SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6415. Mr. SCHATZ (for himself, Mrs. SHAHEEN, Ms. WARREN, 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, supra; which was ordered to lie on the table.

SA 6416. 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, supra; which was ordered to lie on the table.

SA 6417. 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, supra; which was ordered to lie on the table.

SA 6418. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6419. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6420. Mr. SANDERS (for himself, Mr. MARKEY, 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, supra; which was ordered to lie on the table.

SA 6421. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6422. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6423. Mr. INHOFE (for himself 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, supra; which was ordered to lie on the table.

SA 6424. Mr. MENENDEZ (for himself, Mr. KENNEDY, Mr. BOOKER, Mr. BLUMENTHAL, Mr. COONS, Mr. BROWN, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HASSAN, Mr. CASEY, 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, supra; which was ordered to lie on the table.

SA 6425. 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, supra; which was ordered to lie on the table.

SA 6426. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6427. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6428. 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, supra; which was ordered to lie on the table.

SA 6429. 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, supra; which was ordered to lie on the table.

SA 6430. 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, supra; which was ordered to lie on the table.

SA 6431. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6432. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6433. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6434. 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, supra; which was ordered to lie on the table.

SA 6435. Ms. CANTWELL (for herself 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, supra; which was ordered to lie on the table.

SA 6436. Ms. CANTWELL (for herself 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, supra; which was ordered to lie on the table.

SA 6437. Ms. CANTWELL (for herself 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, supra; which was ordered to lie on the table.

SA 6438. 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, supra; which was ordered to lie on the table.

SA 6439. 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, supra; which was ordered to lie on the table.

SA 6440. 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, supra; which was ordered to lie on the table.

SA 6441. 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, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 6033. 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 B of title VII, add the following:

SEC. 730. 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.’’.

SA 6034. 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 X, add the following:

SEC. 1026. AUTHORITY TO CONVEY BY DONATION CERTAIN VESSELS FOR HUMANITARIAN ASSISTANCE AND DISASTER RELIEF PURPOSES.

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

(b) VESSELS DESCRIBED.—The vessels described in this subsection are the following

vessels, which have been stricken from the Naval Vessel Register:

(1) The former U.S.S. Tarawa (LHA–1)

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

(c) TERMS OF CONVEYANCE.—

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

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

(B) in its condition on that date.

(2) LIMITATIONS ON LIABILITY AND RESPONSIBILITY.—

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

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

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

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

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

(d) DEFINITIONS.—In this section:

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

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

SA 6035. Mr. WICKER (for himself 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:

TITLE ____—NATIONAL STRATEGY FOR THE RESEARCH AND DEVELOPMENT OF DISTRIBUTED LEDGER TECHNOLOGIES

SEC. ____. DEFINITIONS.

In this title:

(1) DIRECTOR.—Except as otherwise expressly provided, the term ''Director'' means the Director of the Office of Science and Technology Policy.

(2) DISTRIBUTED LEDGER.—The term ''distributed ledger'' means a ledger that—

(A) is shared across a set of distributed nodes, which are devices or processes, that participate in a network and store a complete or partial replica of the ledger;

(B) is synchronized between the nodes;

(C) has data appended to it by following the ledger's specified consensus mechanism;

(D) may be accessible to anyone (public) or restricted to a subset of participants (private); and

(E) may require participants to have authorization to perform certain actions (permissioned) or require no authorization (permissionless).

(3) DISTRIBUTED LEDGER TECHNOLOGY.—The term ''distributed ledger technology'' means technology that enables the operation and use of distributed ledgers.

(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 Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(6) SMART CONTRACT.—The term ''smart contract'' means a computer program stored in a distributed ledger system that is executed when certain predefined conditions are satisfied and wherein the outcome of any execution of the program may be recorded on the distributed ledger.

SEC. ____. NATIONAL DISTRIBUTED LEDGER TECHNOLOGY R&D STRATEGY.

(a) IN GENERAL.—The Director, or a designee of the Director, shall, in coordination with the National Science and Technology Council, and the heads of such other relevant Federal agencies as the Director considers appropriate and in consultation with such nongovernmental entities as the Director considers appropriate, develop a national strategy for the research and development of distributed ledger technologies and their applications, with a particular focus on applications of public and permissionless distributed ledgers. In developing the national strategy, the Director shall consider the following:

(1) Current efforts and coordination by Federal agencies to invest in the research and development of distributed ledger technologies and their applications, including through programs like the Small Business Innovation Research and Small Business Technology Transfer programs.

(2)(A) The potential benefits and risks of applications of distributed ledger technologies across different industry sectors, including their potential to—

(i) lower transactions costs and facilitate new types of commercial transactions;

(ii) protect privacy and increase individuals' data sovereignty;

(iii) reduce friction to the interoperability of digital systems;

(iv) increase the accessibility, auditability, security, efficiency, and transparency of digital services;

(v) increase market competition in the provision of digital services;

(vi) enable dynamic contracting and contract execution through smart contracts;

(vii) enable participants to collaborate in trustless and disintermediated environments;

(viii) enable the operations and governance of distributed organizations; and

(ix) create new ownership models for digital items.

(B) In consideration of the potential risks of applications of distributed ledger technologies under subparagraph (A), the Director shall take into account, where applicable—

(i) software vulnerabilities in distributed ledger technologies and smart contracts;

(ii) limited consumer literacy on engaging with applications of distributed ledger technologies in a secure way;

(iii) the use of distributed ledger technologies in illicit finance and their use in combating illicit finance;

(iv) manipulative, deceptive, and fraudulent practices that harm consumers engaging with applications of distributed ledger technologies;

(v) the implications of different consensus mechanisms for digital ledgers and governance and accountability mechanisms for applications of distributed ledger technologies, which may include decentralized networks;

(vi) foreign activities in the development and deployment of distributed ledger technologies and their associated tools and infrastructure; and

(vii) environmental, sustainability, and economic impacts of the computational resources required for distributed ledger technologies.

(3) Potential uses for distributed ledger technologies that could improve the operations and delivery of services by Federal agencies, taking into account the potential of digital ledger technologies to—

(A) improve the efficiency and effectiveness of privacy-preserving data sharing among Federal agencies and with State, local, territorial, and Tribal governments;

(B) promote government transparency by improving data sharing with the public;

(C) introduce or mitigate risks that may threaten individuals' rights or access to Federal services; and

(D) automate and modernize processes for assessing and ensuring regulatory compliance.

(4) Ways to support public and private sector dialogue on areas of research that could enhance the efficiency, scalability, interoperability, security, and privacy of applications using distributed ledger technologies.

(5) The need for increased coordination of the public and private sectors on the development of voluntary standards, including those regarding security, smart contracts, cryptographic protocols, virtual routing and forwarding, interoperability, zero-knowledge proofs, and privacy, for distributed ledger technologies and their applications.

(6) Applications of distributed ledger technologies that could positively benefit society but that receive relatively little private sector investment.

(7) The United States position in global leadership and competitiveness across research, development, and deployment of distributed ledger technologies.

(b) CONSULTATION.—

(1) IN GENERAL.—In carrying out the Director's duties under this section, the Director shall consult with the following:

(A) Private industry.

(B) Institutions of higher education.

(C) Nonprofit organizations, including foundations dedicated to supporting distributed ledger technologies and their applications.

(D) State governments.

(E) Such other persons as the Director considers appropriate.

(2) REPRESENTATION.—The Director shall ensure consultations with the following:

(A) Rural and urban stakeholders from across the Nation.

(B) Small, medium, and large businesses.

(C) Subject matter experts representing multiple industrial sectors.

(c) COORDINATION.—In carrying out this section, the Director shall, for purposes of avoiding duplication of activities, consult, cooperate, and coordinate with the programs and policies of other relevant Federal agencies, including the interagency process outlined in section 3 of Executive Order 14067 (87 Fed. Reg. 14143; relating ensuring responsible development of digital assets).

(d) NATIONAL STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the relevant congressional committees and the President a national strategy that includes the following:

(1) Priorities for the research and development of distributed ledger technologies and their applications.

(2) Plans to support public and private sector investment and partnerships in research and technology development for societally beneficial applications of distributed ledger technologies.

(3) Plans to mitigate the risks of distributed ledger technologies and their applications.

(4) An identification of additional resources, administrative action, or legislative action recommended to assist with the implementation of such strategy.

(e) RESEARCH AND DEVELOPMENT FUNDING.—The Director shall, as the Director considers necessary, consult with the Director of the Office of Management and Budget and with the heads of such other elements of the Executive Office of the President as the Director considers appropriate, to ensure that the recommendations and priorities with respect to research and development funding, as expressed in the national strategy developed under this section, are incorporated in the development of annual budget requests for Federal research agencies.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director $1,000,000 to carry out this section for fiscal years 2023 and 2024.

SEC. ___. DISTRIBUTED LEDGER TECHNOLOGY RESEARCH.

(a) IN GENERAL.—The Director of the National Science Foundation shall make awards, on a competitive basis, to institutions of higher education or nonprofit organizations (or consortia of such institutions or organizations) to support research, including socio-technical research, on distributed ledger technologies and their applications, with a particular focus on applications of public and permissionless distributed ledgers, which may include research on—

(1) the implications on trust, transparency, privacy, accountability, and energy consumption of different consensus mechanisms and hardware choices, and approaches for addressing these implications;

(2) approaches for improving the security, privacy, resiliency, interoperability, performance, and scalability of distributed ledger technologies and their applications, which may include decentralized networks;

(3) approaches for identifying and addressing vulnerabilities and improving the performance and expressive power of smart contracts;

(4) the implications of quantum computing on applications of distributed ledger technologies, including long-term protection of sensitive information (such as medical or digital property), and techniques to address them;

(5) game theory, mechanism design, and economics underpinning and facilitating the operations and governance of decentralized networks enabled by distributed ledger technologies;

(6) the social behaviors of participants in decentralized networks enabled by distributed ledger technologies;

(7) human-centric design approaches to make distributed ledger technologies and their applications more usable and accessible; and

(8) use cases for distributed ledger technologies across various industry sectors and government, including applications pertaining to—

(A) digital identity, including trusted identity and identity management;

(B) digital property rights;

(C) delivery of public services;

(D) supply chain transparency;

(E) medical information management;

(F) inclusive financial services;

(G) community governance;

(H) charitable giving;

(I) public goods funding;

(J) digital credentials;

(K) regulatory compliance;

(L) infrastructure resilience; and

(M) peer-to-peer transactions.

(b) ACCELERATING INNOVATION.—The Director of the National Science Foundation shall consider supporting startups that leverage distributed ledger technologies, have the potential to positively benefit society, and have the potential for commercial viability, through programs like the Small Business Innovation Research and Small Business Technology Transfer programs.

(c) CONSIDERATION OF NATIONAL DISTRIBUTED LEDGER TECHNOLOGY RESEARCH AND DEVELOPMENT STRATEGY.—In making awards under subsection (a), the Director of the National Science Foundation shall take into account the national strategy, as described in section ___(d).

(d) FUNDAMENTAL RESEARCH.—The Director of the National Science Foundation shall continue to make awards supporting fundamental research in areas related to distributed ledger technologies and their applications, such as applied cryptography and distributed systems.

SEC. ___. DISTRIBUTED LEDGER TECHNOLOGY APPLIED RESEARCH PROJECT.

(a) APPLIED RESEARCH PROJECT.—Subject to the availability of appropriations, the Director of the National Institute of Standards and Technology, shall carry out an applied research project to study and demonstrate the potential benefits and unique capabilities of distributed ledger technologies.

(b) ACTIVITIES.—In carrying out the applied research project, the Director of the National Institute of Standards and Technology shall—

(1) identify potential applications of distributed ledger technologies, including those that could benefit activities at the Department of Commerce or at other Federal agencies, considering applications that could—

(A) improve the privacy and interoperability of digital identity and access management solutions;

(B) increase the integrity and transparency of supply chains through the secure and limited sharing of relevant supplier information;

(C) facilitate increased interoperability across healthcare information systems and consumer control over the movement of their medical data; or

(D) be of benefit to the public or private sectors, as determined by the Director in consultation with relevant stakeholders;

(2) solicit and provide the opportunity for public comment relevant to potential projects;

(3) consider, in the selection of a project, whether the project addresses a pressing need not already addressed by another organization or Federal agency;

(4) establish plans to mitigate potential risks, for example those to privacy, of potential projects;

(5) produce an example solution leveraging distributed ledger technologies for 1 of the applications identified in paragraph (1);

(6) hold a competitive process to select private sector partners, if they are engaged, to support the implementation of the example solution;

(7) consider hosting the project at the National Cybersecurity Center of Excellence; and

(8) ensure that cybersecurity best practices consistent with the Cybersecurity Framework of the National Institute of Standards and Technology are demonstrated in the project.

(c) BRIEFINGS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall offer a briefing to the relevant congressional committees on the progress and current findings from the project under this section.

(d) PUBLIC REPORT.—Not later than 12 months after the completion of the project under this section, the Director of the National Institute of Standards and Technology shall make public a report on the results and findings from the project.

SA 6036. 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 B of title IX, add the following:

SEC. 916. CLARIFICATION OF PEACETIME FUNCTIONS OF THE NAVY.

Section 8062(a) of title 10, United States Code, is amended—

(1) in the second sentence, by striking ''primarily'' and inserting ''for the peacetime promotion of the national security interests and prosperity of the United States and''; and

(2) in the third sentence, by striking ''for the effective prosecution of war'' and inserting ''for the duties described in the preceding sentence''.

SA 6037. 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 G of title X, add the following:

SEC. 1077. ENHANCED COLLABORATION BETWEEN DEPARTMENT OF DEFENSE AND HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS OF HIGHER EDUCATION.

(a) PARTNERSHIPS PROGRAM.—

(1) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for a program to establish partnerships between historically black colleges and universities (HBCUs) and minority-serving institutions of higher education (MSIs) and defense laboratories, Federal defense agencies and organizations, the defense industry, university affiliated research centers, federally funded research and development centers, and other institutions of higher education in research, development, testing, and evaluation in areas important to the national security functions of the Department of Defense.

(2) IMPLEMENTATION.—The Secretary of Defense shall implement the program described in paragraph (1) by not later than July 1, 2023.

(b) HBCU/MSI SPONSORED PROGRAMS SHARED SERVICES CENTER.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to establish an HBCU/MSI Sponsored Programs Shared Services Center (SPSSC) to provide Federal research and contract pursuit, capture, and administration support to covered institutions. The SPSSC shall be formed and managed by a commercial or academic entity, or a consortium that includes commercial and academic entities. The plans shall include a means to have the SPSSC in operation by not later than July 1, 2023.

SA 6038. 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 G of title X, add the following:

SEC. 1077. NATIONAL FLAGSHIP LANGUAGE INITIATIVE GRANT PROGRAM.

Section 811(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1911(a)) is amended by striking ''beginning with fiscal year 2020, $16,000,000'' and inserting ''beginning with fiscal year 2023, $28,000,000''.

SA 6039. Mr. WICKER (for himself and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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 XXVIII, add the following:

SEC. 2842. LAND CONVEYANCE, STARKVILLE, MISSISSIPPI.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army (in this section referred to as the ''Secretary'') may convey to the City of Starkville, Mississippi (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at 343 Highway 12, Starkville, Mississippi 39759, to be used for economic development purposes.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such property.

(2) DETERMINATION.—A determination by the Secretary under paragraph (1) shall be made on the record after an opportunity for a hearing.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance of property under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed.

(2) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the property to be conveyed under subsection (a) using an independent appraisal based on the highest and best use of the property.

(3) TREATMENT OF CONSIDERATION RECEIVED.—Consideration received under paragraph (1) shall be deposited in the special account in the Treasury established under subparagraph (A) of section 572(b)(5) of title 40, United States Code, and shall be available in accordance with subparagraph (B) of such section.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT.—

(A) IN GENERAL.—The Secretary may require the City to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(B) REFUND.—If amounts are collected from the City under subparagraph (A) in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance under subsection (a), the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 6040. Mr. WICKER (for himself and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. PROHIBITION ON DIVESTITURE OF T–1A TRAINER AIRCRAFT.

The Secretary of the Air Force may not divest any T–1A trainer aircraft until the Secretary—

(1) has implemented undergraduate pilot training 2.5 fleet-wide; and

(2) submits to Congress the date on which the T–7A aircraft will achieve full operational capability.

SA 6041. 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 I, add the following:

SEC. 131. PROCUREMENT AUTHORITIES FOR CERTAIN AMPHIBIOUS SHIPBUILDING PROGRAMS.

(a) CONTRACT AUTHORITY.—

(1) PROCUREMENT AUTHORIZED.—The Secretary of the Navy may enter into one or more contracts for the procurement of up to five covered ships.

(2) PROCUREMENT IN CONJUNCTION WITH EXISTING CONTRACTS.—The ships authorized to be procured under paragraph (1) may be procured as additions to existing contracts covering such programs.

(b) CERTIFICATION REQUIRED.—A contract may not be entered into under subsection (a) unless the Secretary of the Navy certifies to the congressional defense committees, in writing, not later than 30 days before entry into the contract, each of the following, which shall be prepared by the milestone decision authority for such programs:

(1) The use of such a contract is consistent with the Commandant of the Marine Corp's projected force structure requirements for amphibious ships.

(2) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings under the preceding sentence, the Secretary shall include a written explanation of—

(A) the estimated end cost and appropriated funds by fiscal year, by hull, without the authority provided in subsection (a);

(B) the estimated end cost and appropriated funds by fiscal year, by hull, with the authority provided in subsection (a);

(C) the estimated cost savings or increase by fiscal year, by hull, with the authority provided in subsection (a);

(D) the discrete actions that will accomplish such cost savings or avoidance; and

(E) the contractual actions that will ensure the estimated cost savings are realized.

(3) There is a reasonable expectation that throughout the contemplated contract period the Secretary of the Navy will request funding for the contract at the level required to avoid contract cancellation.

(4) There is a stable design for the property to be acquired and the technical risks associated with such property are not excessive.

(5) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a) are realistic.

(6) The use of such a contract will promote the national security of the United States.

(7) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year.

(c) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more contracts for advance procurement associated with a vessel or vessels for which authorization to enter into a contract is provided under subsection (a), and for systems and subsystems associated with such vessels in economic order quantities when cost savings are achievable.

(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

(e) DEFINITIONS.—In this section—

(1) the term ''covered ship'' means a San Antonio-class or America-class ship; and

(2) the term ''milestone decision authority'' has the meaning given the term in section 2366a(d) of title 10, United States Code.

SA 6042. Mr. TOOMEY (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. RESPONSIBILITY OF SECRETARY OF DEFENSE FOR INVESTIGATIONS UNDER SECTION 232 OF THE TRADE EXPANSION ACT OF 1962.

(a) IN GENERAL.—Section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''the Secretary of Commerce (hereafter in the section referred to as the 'Secretary')'' and inserting ''the Secretary of Defense''; and

(B) in subparagraph (B)—

(i) by striking ''The Secretary'' and inserting ''The Secretary of Defense''; and

(ii) by striking ''the Secretary of Defense'' and inserting ''the Secretary of Commerce'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''the Secretary'' and inserting ''the Secretary of Defense''; and

(ii) in clause (i), by striking ''the Secretary of Defense'' and inserting ''the Secretary of Commerce''; and

(B) by amending subparagraph (B) to read as follows:

''(B) Upon the request of the Secretary of Defense, the Secretary of Commerce shall provide to the Secretary of Defense an assessment of the quantity of imports of any article that is the subject of an investigation conducted under this subsection and the circumstances under which the article is imported.'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''the Secretary shall submit'' and all that follows through ''recommendations of the Secretary'' and inserting ''the Secretary of Defense and the Secretary of Commerce shall jointly submit to the President and Congress a report on the findings of the investigation and, based on such findings, the recommendations of the Secretary of Commerce''; and

(ii) in the second sentence—

(I) by striking ''Secretary finds'' and inserting ''Secretaries find''; and

(II) by striking ''Secretary shall'' and inserting ''Secretaries shall''; and

(B) in subparagraph (B), by striking ''by the Secretary''; and

(4) in paragraph (4), by striking ''Secretary'' and inserting ''Secretary of Defense''.

(b) CONFORMING AMENDMENTS.—Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended—

(1) in subsection (c)(1)(A)—

(A) by striking ''in which the Secretary'' and inserting ''that''; and

(B) in clause (i), by striking ''of the Secretary'';

(2) in the first subsection (d), by striking ''the Secretary and the President'' each place it appears and inserting ''the Secretary of Defense, the Secretary of Commerce, and the President'';

(3) by redesignating the second subsection (d) as subsection (e); and

(4) in paragraph (1) of subsection (e), as redesignated by paragraph (2), by striking ''the Secretary'' and inserting ''the Secretary of Defense''.

SA 6043. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. MODIFICATION OF PILOT PROGRAM ON ENHANCED PERSONNEL MANAGEMENT SYSTEM FOR CYBERSECURIY AND LEGAL PROFESSIONALS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 1110 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1631; 10 U.S.C. 1580 note prec.) is amended—

(1) in the section heading, by striking ''**CYBERSECURITY AND LEGAL PROFESSIONALS**'' and inserting ''**COVERED EMPLOYEES**'';

(2) in subsection (a), by striking ''cybersecurity and legal professionals'' and inserting ''covered employees'';

(3) in subsection (b)—

(A) in the subsection heading, by striking ''CYBERSECURITY AND LEGAL PROFESSIONALS'' and inserting ''COVERED EMPLOYEES''; and

(B) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) IN GENERAL.—The covered employees described in this subsection are civilian employees in the Department of Defense permanently assigned to a combatant command established under section 161 of this title, whose primary duties involve—

''(A) oversight or development of operational plans, nuclear activities, or space assets; and

''(B) a requirement to maintain a top secret security clearance.'';

(4) in subsection (c), by striking ''cybersecurity and legal professionals'' and inserting ''covered employees'';

(5) in subsection (d)(1), by striking ''cybersecurity or legal professional'' and inserting ''covered employee'';

(6) in subsection (e)(1), in the matter preceding subparagraph (A), by striking ''cybersecurity or legal professionals'' and inserting ''covered employees'';

(7) in subsection (f)—

(A) in paragraph (1), by striking ''cybersecurity or legal professionals'' and inserting ''covered employees'';

(B) in paragraph (3), by striking ''cybersecurity or legal professionals'' and inserting ''covered employees''; and

(C) in paragraph (4)—

(i) by striking ''cybersecurity or legal professionals'' and inserting ''covered employees''; and

(ii) by striking ''cybersecurity and legal professionals'' and inserting ''employees'';

(8) in subsection (g)—

(A) in paragraph (1), by striking ''cybersecurity or legal professional'' and inserting ''covered employee''; and

(B) in paragraph (2)—

(i) by striking ''cybersecurity or legal professional'' and inserting ''covered employee''; and

(ii) by striking ''as a cybersecurity or legal professional.'' and inserting a period;

(9) in subsection (i), by striking ''individuals serving in with the Department of Defense as cybersecurity and legal professionals'' and inserting ''covered employees'';

(10) by striking subsections (j) and (k) and inserting the following new subsections (j) and (k):

''(j) POLICY.—The Secretary of Defense shall administer the pilot program under policies prescribed by the Secretary for purposes of the pilot program.

''(k) TERMINATION.—The authority of the Secretary of Defense to appoint individuals for service with the Department of Defense as covered employees under the pilot program shall expire on December 31, 2029.''; and

(11) by striking subsections (l) and (m) and redesignating subsection (n) and subsection (l).

(b) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act (Public Law 115–91; 131 Stat. 1283) is amended by striking the item relating to section 1110 and inserting the following new item:

''Sec. 1110. Pilot program on enhanced personnel management system for covered employees in the Department of Defense.''.

SA 6044. Mrs. FISCHER submitted an amendment intended to be proposed to

amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. REPORT ON INDUSTRIAL BASE CAPACITY TO SUPPORT PLANNED OVERHEAD PERSISTENT INFRARED ENTERPRISE ARCHITECTURE PROGRAMS.

(a) IN GENERAL.—Not later than 180 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 assessing the industrial base capacity to support planned overhead persistent infrared enterprise architecture programs, including—

(1) Next Generation OPIR Block 0; and

(2) Resilient Missile Warning Missile Tracking.

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

SA 6045. Ms. WARREN (for herself, Mr. DAINES, Ms. COLLINS, 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 V, add the following:

SEC. 5____. SENSE OF CONGRESS REGARDING WOMEN WHO SERVED AS CADET NURSES DURING WORLD WAR II.

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

(1) In June of 1943, Congress enacted the Bolton Act, establishing the United States Cadet Nurse Corps as a uniformed service of the Public Health Administration. Through the Corps, women received free, expedited nursing education in exchange for ''service in essential nursing for the duration of the war''.

(2) During World War II, the United States faced a severe shortage of qualified nurses, threatening the ability of the United States to meet domestic and military medical needs.

(3) In total, 124,065 women graduated from training under the Cadet Nurse program, going on to serve in military hospitals, Veterans Administration hospitals, Marine hospitals, private hospitals, public health agencies, and public hospitals until the program ended in 1948.

(4) In 1944, the Federal Security Agency identified ''national recognition for rendering a vital war service'' as a privilege of service in the Corps.

(5) By 1945, Cadet Nurses accounted for 80 percent of the domestic nursing workforce.

(6) The Cadet Nurse Corps has been credited with preventing the collapse of the domestic nursing workforce.

(b) SENSE OF CONGRESS.—It is the sense of Congress that women who served in the Cadet Nurse Corps honorably stepped up for their country during its time of need in World War II, significantly contributing to the war effort and the safety and security of the United States.

(c) EXPRESSION OF GRATITUDE.—Congress hereby expresses deep gratitude for the women who answered the call to duty and served in the Cadet Nurses Corp.

SA 6046. 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 V, add the following:

SEC. 589. RESCISSION OF MEDALS OF HONOR AWARDED FOR ACTS AT WOUNDED KNEE CREEK ON DECEMBER 29, 1890.

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

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

(1) The Medal of Honor is the highest military award of the United States.

(2) Congress found that to earn the Medal of Honor ''the deed of the person . . . must be so outstanding that it clearly distinguishes his gallantry beyond the call of duty from lesser forms of bravery''.

(3) The actions of Medal of Honor recipients inspire bravery in those currently serving in the Armed Forces and those who will come to serve in the future.

(4) Those listed on the Medal of Honor Roll have come to exemplify the best traits of members of the Armed Forces, a long and proud lineage of those who went beyond the call of service to the United States of America.

(5) To date the Medal of Honor has been awarded only 3,522 times, including only 145 times for the Korean War, 126 times in World War I, 23 times during the Global War on Terror, and 20 times for the massacre at Wounded Knee.

(6) The Medal of Honor is awarded in the name of Congress.

(7) As found in Senate Concurring Resolution 153 of the 101st Congress, on December 29, 1890 the 7th Cavalry of the United States engaged a tribal community ''resulting in the tragic death and injury of approximately 350–375 Indian men, women, and children'' led by Lakota Chief Spotted Elk of the Miniconjou band at ''Cankpe' Opi Wakpa'' or ''Wounded Knee Creek''.

(8) This engagement became known as the ''Wounded Knee Massacre'', and took place between unarmed Native Americans and soldiers, heavily armed with standard issue army rifles as well as four ''Hotchkiss guns'' with five 37 mm barrels capable of firing 43 rounds per minute.

(9) Nearly two-thirds of the Native Americans killed during the Massacre were unarmed women and children who were participating in a ceremony to restore their traditional homelands prior to the arrival of European settlers.

(10) Poor tactical emplacement of the soldiers meant that most of the casualties suffered by the United States troops were inflicted by friendly fire.

(11) On January 1st, 1891, Major General Nelson A. Miles, Commander of the Division of Missouri, telegraphed Major General John M. Schofield, Commander-in-Chief of the Army notifying him that ''[I]t is stated that the disposition of four hundred soldiers and four pieces of artillery was fatally defective and large number of soldiers were killed and wounded by the fire from their own ranks and a very large number of women and children were killed in addition to the Indian men''.

(12) The United States awarded 20 Medals of Honor to soldiers of the U.S. 7th Cavalry following their participation in the Wounded Knee Massacre.

(13) In 2001, the Cheyenne River Sioux Tribe, a member Tribe of the Great Sioux Nation, upon information provided by Lakota elders and by veterans, passed Tribal Council Resolution No. 132–01, requesting that the Federal Government revoke the Medals of Honor from the soldiers of the United States Army, 7th Cavalry issued following the massacre of unarmed men, women, children, and elderly of the Great Sioux Nation on December 29, 1890, on Tribal Lands near Wounded Knee Creek.

(14) The National Congress of American Indians requested in a 2007 Resolution that the Congress ''renounce the issuance of said medals, and/or to proclaim that the medals are null and void, given the atrocities committed upon unarmed men, women, children and elderly of the Great Sioux Nation''.

(15) General Miles contemporaneously stated that a ''[w]holesale massacre occurred and I have never heard of a more brutal, cold-blooded massacre than that at Wounded Knee''.

(16) Allowing any Medal of Honor, the United States highest and most prestigious military decoration, to recognize a member of the Armed Forces for distinguished service for participating in the massacre of hundreds of unarmed Native Americans is a disservice to the integrity of the United States and its citizens, and impinges on the integrity of the award and those who have earned the Medal since.

(c) RESCISSION OF MEDALS OF HONOR AWARDED FOR ACTS AT WOUNDED KNEE CREEK ON DECEMBER 29, 1890.—

(1) IN GENERAL.—Each Medal of Honor awarded for acts at Wounded Knee Creek, Lakota Pine Ridge Indian Reservation, South Dakota, on December 29, 1890, is rescinded.

(2) MEDAL OF HONOR ROLL.—The Secretary concerned shall remove the name of each individual awarded a Medal of Honor for acts described in paragraph (1) from the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll maintained under section 1134a of title 10, United States Code.

(3) RETURN OF MEDAL NOT REQUIRED.—No person may be required to return to the Federal Government a Medal of Honor rescinded under paragraph (1).

(4) NO DENIAL OF BENEFITS.—This section shall not be construed to deny any individual any benefit from the Federal Government.

SA 6047. 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 appropriate place in title V, insert the following:

SEC. _____. DEPARTMENT OF DEFENSE REVIEW OF PROSPECTIVE COVERED TRANSACTIONS.

(a) IN GENERAL.—

(1) DEPARTMENT NOTIFICATION.—The parties to a covered transaction shall simultaneously file the notification under section 7A of the Clayton Act (15 U.S.C. 18a) with the Department.

(2) DEPARTMENT ASSESSMENT.—For each covered transaction, the Department shall—

(A) assess whether the transaction is likely to harm the public interest; and

(B) assess whether any divestiture or other structural remedy would likely benefit the public interest, and if so, describe the recommended structural remedy.

(3) DEADLINE.—The Department shall determine whether a covered transaction is likely to harm the public interest not later than the end of the waiting period under section 7A of the Clayton Act (15 U.S.C. 18a).

(4) ADDITIONAL DOCUMENTATION.—The parties to a covered transaction shall simultaneously provide to the Department any additional documentation or information submitted to the Department of Justice or the Federal Trade Commission during the waiting period under section 7A of the Clayton Act (15 U.S.C. 18a).

(5) COMPULSORY PROCESS.—The Department may use compulsory process, including issuing subpoenas or civil investigative demands, in order to assess the potential impacts of a covered transaction.

(6) REPORTING.—All findings, assessments, and recommendations of the Department described in this subsection shall be reported to the Department of Justice or the Federal Trade Commission, as applicable, and may be reported in the Hart-Scott-Rodino annual reports.

(b) STANDARDS REGARDING HARM TO THE PUBLIC INTEREST.—

(1) IN GENERAL.—Harms to the public interest described in this section include harms to competition, national security, sustainment of the industrial and technological base, innovation, access to critical technologies, the workforce, or talent management in the industrial base.

(2) DETERMINATION.—Notwithstanding any other harms to the public interest that may be determined when evaluating a covered transaction, the Department may determine that the transaction is likely to harm the public interest if—

(A) any party is a critical trading partner in the supply chains or business ecosystems of the parties;

(B) any party offers overlapping, competing, or functionally equivalent services or products to those of the major defense supplier;

(C) the acquiring person would have a market share of greater than 33 percent of any relevant market; or

(D) the transaction would result in a Herfindahl-Hirschman Index greater than 1,800 in any relevant market and increase the Herfindahl-Hirschman Index by more than 100 in such relevant market.

(3) ADDITIONAL CONSIDERATIONS.—The Department may use additional considerations when determining whether a covered transaction is likely to harm the public interest.

(c) DEFINITIONS.—In this section:

(1) COVERED TRANSACTION.—The term ''covered transaction'' means an actual or proposed merger, acquisition, joint venture, strategic alliance, or investment—

(A) for which the parties are required to file a notification under section 7A of the Clayton Act (15 U.S.C. 18a); and

(B) any party to the transaction is, owns, or controls a major defense supplier.

(2) CRITICAL TRADING PARTNER.—The term ''critical trading partner'' means a person that has the ability to restrict, impede, or foreclose access to its inputs, customers, partners, goods, services, technology, platform, facilities, or tools in a way that harms the competitive process or limits the ability of the customers or suppliers of the person to carry out business effectively.

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

(4) MAJOR DEFENSE SUPPLIER.—The term ''major defense supplier'' means—

(A) any current prime contractor of a major system as defined in section 2302(5), of title 10, United States Code;

(B) any current prime contractor, under a contract awarded pursuant to section 2304(c)(3), title 10, United States Code, for reasons described in subparagraph (A) of that section; or

(C) any prime contractor or subcontractor that the Secretary of Defense, the Deputy Secretary of Defense, the Undersecretary of Defense for Acquisition and Sustainment, or the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy designates as a main source of supply, including any firm that supplies or could supply goods or services directly or indirectly to the Department or any company with technology potentially significant to defense capabilities.

SA 6048. Mr. REED (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, insert the following:

SEC. 730. ESTABLISHMENT OF CORE CASUALTY RECEIVING FACILITIES TO IMPROVE MEDICAL FORCE GENERATION AND READINESS.

(a) IN GENERAL.—Pursuant to the requirements of this section, the Secretary of Defense shall establish certain military medical treatment facilities as Core Casualty Receiving Facilities to maintain the medical capability and capacity required to diagnose, treat, and rehabilitate large volume combat casualties and to provide a medical response to natural disasters, mass casualty events, or other national emergencies as may be directed by the President or the Secretary.

(b) LOCATION OF FACILITIES.—The Secretary shall ensure that facilities established under subsection (a) are geographically located to facilitate aeromedical evacuation of casualties from military operational theaters.

(c) TIMELINE FOR ESTABLISHMENT.—

(1) DESIGNATION.—Not later than October 1, 2024, the Secretary shall designate four military medical treatment facilities as Core Casualty Receiving Facilities to be established under subsection (a).

(2) OPERATIONAL.—Not later than October 1, 2025, the Secretary shall ensure that the facilities designated under paragraph (1) are fully staffed and operational.

(d) PERSONNEL ASSIGNMENT.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that the Secretaries of the military departments assign military personnel to Core Casualty Receiving Facilities established under subsection (a) at not less than 90 percent of the staffing level needed to maintain operating bed capacities to support operation planning requirements.

(2) USE OF CIVILIAN PERSONNEL.—The Secretary of Defense may augment the staffing of military personnel at Core Casualty Receiving Facilities established under subsection (a) with civilian personnel to achieve the staffing requirement under paragraph (1).

(3) EXECUTIVE STAFFING.—The Secretary shall staff each Core Casualty Receiving Facility established under subsection (a) with a civilian Chief Financial Officer and a civilian Chief Operations Officer with experience in the management of civilian hospital systems to ensure continuity in management of the facility.

(e) FUNDING.—The Secretary shall include with the submission to Congress by the President of the annual budget of the Department of Defense for a fiscal year under section 1105(a) of title 31, United States Code, a line item budget request for each Core Casualty Receiving Facility established under subsection (a) that includes the funding requirements for the operation and maintenance of each such facility.

(f) DEFINITIONS.—In this section:

(1) CORE CASUALTY RECEIVING FACILITIES.—The term ''Core Casualty Receiving Facilities'' means Role 4 medical treatment facilities that serve as the medical hubs for receipt of casualties that may result from combat, natural disasters, mass casualty events, or other national emergencies.

(2) ROLE 4 MEDICAL TREATMENT FACILITIES.—The term ''Role 4 medical treatment facilities'' means facilities that provide the full range of preventative, curative, acute, convalescent, restorative, and rehabilitative care.

SA 6049. Mr. REED (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:

In title X, add at the end the following:

Subtitle H—Council on Military, National, and Public Service

SEC. 1081. ESTABLISHMENT OF COUNCIL ON MILITARY, NATIONAL, AND PUBLIC SERVICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive Office of the President a Council on Military, National, and Public Service (in this section referred to as the ''Council'').

(2) FUNCTIONS.—The Council shall—

(A) advise the President with respect to promoting and expanding opportunities for military service, national service, and public service for all people of the United States;

(B) coordinate policies and initiatives of the executive branch to promote and expand opportunities for military service, national service, and public service; and

(C) coordinate policies and initiatives of the executive branch to foster an increased sense of service and civic responsibility among all people of the United States.

(b) COMPOSITION.—

(1) DIRECTOR.—The President shall appoint an individual to serve as the Assistant to the

President for Military, National, and Public Service and the Director of the Council, who shall serve at the pleasure of the President. The Assistant to the President for Military, National, and Public Service shall serve as the head of the Council.

(2) MEMBERSHIP.—In addition to the Director, the Council shall be composed of such officers as the President may designate.

(3) MEETINGS.—The Council shall meet on a quarterly basis, or more frequently as the Director of the Council may direct.

(c) RESPONSIBILITIES OF THE COUNCIL.—The Council shall—

(1) assist and advise the President and the heads of Executive agencies in the establishment of policies, goals, objectives, and priorities to promote service and civic responsibility among all people of the United States;

(2) develop and recommend to the President and the heads of Executive agencies policies of common interest to Executive agencies for increasing the participation, and propensity of people of the United States to participate, in military service, national service, and public service in order to address national security and other current and future needs of the United States including policies for—

(A) reevaluating benefits for the Federal public service and national service programs in order to increase awareness of and remove barriers to entry into such programs;

(B) ensuring that the participation in and leadership of the military, the Federal public service, and national service programs reflects the diversity of the United States including by race, gender, ethnicity, and disability status; and

(C) developing pathways to service for high school graduates, college students, and recent college graduates;

(3) serve as the interagency lead for identifying critical skills to address national security and other needs of the United States, with responsibility for coordinating governmentwide efforts to address gaps in critical skills and identifying methods to recruit and retain individuals possessing such critical skills;

(4) serve as a forum for Federal officials responsible for military service, national service, and public service programs to coordinate and develop interagency, cross-service initiatives;

(5) lead the effort of the Federal Government to develop joint awareness and recruitment, retention, and marketing initiatives involving military service, national service, and public service, including the sharing of marketing and recruiting research between and among service agencies;

(6) consider approaches for assessing impacts of service on the needs of the United States and individuals participating in and benefitting from such service;

(7) consult, as the Council considers advisable, with representatives of non-Federal entities, including State, local, and Tribal governments, State and local educational agencies, State Commissions, institutions of higher education, nonprofit organizations, philanthropic organizations, and the private sector, in order to promote and develop initiatives to foster and reward military service, national service, and public service;

(8) oversee the response to and implementation of, as appropriate, the recommendations of the National Commission on Military, National, and Public Service established under section 553 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2132);

(9) not later than 2 years after the date of enactment of this Act, and quadrennially thereafter, prepare and submit to the President and Congress a Quadrennial Military, National, and Public Service Strategy, which shall set forth—

(A) a review of programs and initiatives of the Federal Government relating to the mandate of the Council;

(B) notable initiatives by State, local, and Tribal governments and by nongovernmental entities to increase awareness of and participation in service programs;

(C) current and foreseeable trends for service to address the needs of the United States; and

(D) a program for addressing any deficiencies identified by the Council, together with recommendations for legislation;

(10) not later than 4 years after the date of enactment of this Act, and quadrennially thereafter, prepare and submit to the President and Congress a Quadrennial Report on Cross-Service Participation on the basis of the activities carried out under the strategy submitted under paragraph (9);

(11) prepare, for inclusion in the annual budget submission by the President to Congress under section 1105 of title 31, United States Code, a detailed, separate analysis by budget function, by agency, and by initiative area for the preceding fiscal year, the current fiscal year, and the fiscal years for which the budget is submitted, identifying the amounts of gross and net appropriations or obligational authority and outlays for initiatives, consistent with the priorities of the President, under the Quadrennial Military, National, and Public Service Strategy, with separate displays for mandatory and discretionary amounts;

(12) develop a joint national service messaging strategy that incorporates domestic and international service that both the Corporation for National and Community Service and the Peace Corps would promote; and

(13) perform such other functions as the President may direct.

(d) RESPONSIBILITIES OF THE DIRECTOR OF THE COUNCIL.—In addition to duties relating to the responsibilities of the Council described in subsection (c), the Director of the Council shall—

(1) coordinate with the Assistant to the President for National Security Affairs for any matter that may affect national security;

(2) at the discretion of the President, serve as spokesperson of the executive branch on issues related to military service, national service, and public service;

(3) upon request by a committee or subcommittee of the Senate or of the House of Representatives, appear before any such committee or subcommittee to represent the position of the executive branch on matters within the scope of the responsibilities of the Council; and

(4) perform such other functions as the President may direct.

(e) ORGANIZATIONAL MATTERS.—

(1) ASSISTANT TO THE PRESIDENT FOR MILITARY, NATIONAL, AND PUBLIC SERVICE.—The Assistant to the President for Military, National, and Public Service 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.

(2) STAFF.—The Council may employ officers and employees as necessary to carry out of the functions of the Council. Such officers and employees of the Council shall be compensated at a rate not more than the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(3) EXPERTS AND CONSULTANTS.—The Council may, as necessary to carry out of the functions of the Council, procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(4) ADVISORY COMMITTEES.—The Council may, in carrying out the functions of the Council, direct a member of the Council to establish advisory committees composed of representatives from outside the Federal Government.

(5) AUTHORITY TO ACCEPT GIFTS.—The Council may accept, use, and dispose of gifts or donations of services, goods, and property, except for cash, from non-Federal entities for the purposes of aiding and facilitating the work of the Council.

(6) AUTHORITY TO ACCEPT VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) CONFORMING AMENDMENT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

''(40) a separate statement of the amount of appropriations requested for the Council on Military, National, and Public Service in the Executive Office of the President.

''(41) a detailed, separate analysis by budget function, by agency, and by initiative area for the preceding fiscal year, the current fiscal year, and the fiscal years for which the budget is submitted, identifying the amounts of gross and net appropriations or obligational authority and outlays for initiatives, consistent with the priorities of the President, under the Quadrennial Military, National, and Public Service Strategy required by section 1081(c)(9) of the National Defense Authorization Act for Fiscal Year 2023, with separate displays for mandatory and discretionary amounts.''.

SEC. 1082. INTERNET-BASED SERVICE PLATFORM.

(a) DECLARATION OF POLICY.—It is the policy of the United States, in promoting a culture of service in the United States and meeting the recruiting needs for military service, national service, and public service programs, to provide a comprehensive, interactive, and integrated internet-based platform to enable the people of the United States to learn about and connect with service organizations and opportunities and assist in the recruiting needs of service organizations.

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Council on Military, National, and Public Service.

(2) MEMBER.—The term ''member'' means an individual who is a member of the Service Platform under this section.

(3) SERVICE MISSION.—The term ''service mission'' means the objectives of a service organization or a service opportunity.

(4) SERVICE OPPORTUNITY.—The term ''service opportunity'' means any paid, volunteer, or other position with a service organization.

(5) SERVICE ORGANIZATION.—The term ''service organization'' means any military service, national service, or public service organization that participates in the Service Platform.

(6) SERVICE PLATFORM.—The term ''Service Platform'' means the comprehensive, interactive, and integrated internet-based platform established under this section.

(7) SERVICE TYPE.—The term ''service type'' means the period and form of service with a service organization, including part-time, full-time, term limited, sabbatical, temporary, episodic, or emergency options for paid, volunteer, or stipend-based service.

(8) STATE.—The term ''State'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(9) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given such term in subsection (a)(5) of section 101 of title 10, United States Code.

(c) ESTABLISHMENT OF THE SERVICE PLATFORM.—The Director, in coordination with the Director of the Office of Management and Budget, shall establish, maintain, and promote the Service Platform to serve as a centralized resource and database for the people of the United States to learn about and connect with organizations and opportunities related to military service, national service, or public service and for such organizations to identify people of the United States with the skills necessary to address the needs of such organizations.

(d) OPERATION OF SERVICE PLATFORM.—

(1) PUBLIC ACCESSIBILITY.—The Director, in coordination with the Director of the Office of Management and Budget, shall determine, and make accessible to the public, information about service organizations and service opportunities, without any requirement that an individual seeking such access become a member.

(2) MEMBERS.—

(A) IN GENERAL.—Any individual meeting criteria established by the Director by regulation may register as a member under subparagraph (B).

(B) REGISTRATION.—

(i) IN GENERAL.—An individual that registers under this subparagraph as a member shall be entitled to access information about service organizations and service opportunities available through the Service Platform.

(ii) INFORMATION AND CONSENT FROM INDIVIDUAL.—An individual meeting the criteria established under subparagraph (A) and seeking to become a member—

(I) shall provide to the Director such information as the Director may determine necessary to facilitate the functionality of the Service Platform;

(II) shall, unless specifically electing not to, consent to share any information entered into the Service Platform with, and to be contacted by, any public service or national service organization that participates in the Service Platform;

(III) may consent to share any information entered into the Service Platform with, and to be contacted by, any uniformed service that participates in the Service Platform;

(IV) may consent to be contacted for potential service with any national service or public service organization in the event of a national emergency; and

(V) may consent to be contacted to join the uniformed services on a voluntary basis during an emergency requiring national mobilization.

(iii) VERIFICATION.—Upon receipt of the information and, as relevant, consent from an individual under clause (ii), the Director shall—

(I) verify that the individual has not previously registered as a member; and

(II) if such individual has not previously registered as a member, register such individual as a member and by written notice (including by electronic communication), notify such member of such registration.

(3) USE OF SERVICE PLATFORM.—

(A) ADDITIONAL INFORMATION.—The Service Platform shall enable a member to provide additional information to improve the functionality of the Service Platform, as determined relevant by the Director, including information regarding the member's—

(i) educational background;

(ii) employment background;

(iii) professional skills, training, licenses, and certifications;

(iv) service organization preferences;

(v) service type preferences;

(vi) service mission preferences; and

(vii) geographic preferences.

(B) UPDATES.—A member may, at any time, update the personal and other information of the member available on the Service Platform.

(C) RENEWAL OF CONSENT REGARDING MILITARY SERVICE.—The Director shall send to a member who consents to serve under paragraph (2)(B)(ii)(V) an annual request to confirm the continued consent to serve by the member.

(4) WITHDRAWAL OF MEMBERS.—A member may withdraw as a member by submitting to the Director a request to withdraw. Not later than 30 days after the date of such request to withdraw, all records regarding such member shall be removed from the Service Platform and any other data storage locations the Director may use relating to the Service Platform, notwithstanding any obligations under chapter 31 of title 44, United States Code (commonly known as the ''Federal Records Act of 1950'').

(e) SERVICE ORGANIZATIONS.—

(1) EXECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—All Executive agencies and military departments shall participate in the Service Platform as service organizations.

(2) NON-FEDERAL SERVICE ORGANIZATIONS.—State, local, and Tribal government agencies, and nongovernmental organizations that undertake national service programs, may participate in the Service Platform, subject to subsection (h).

(3) INFORMATION ON SERVICE ORGANIZATIONS.—Each service organization participating in the Service Platform shall make available on the Service Platform—

(A) information sufficient for a member to identify and understand the service opportunities and service mission of such service organization;

(B) information on the availability of service opportunities by service type;

(C) internet links to the hiring and recruiting websites of such service organization; and

(D) such additional information as the Director may require.

(4) ADDITIONAL PLATFORMS NOT PRECLUDED.—Nothing in this subsection shall prevent any service organization from establishing or maintaining a separate internet-based system or platform to recruit individuals for employment or for volunteer or other service opportunities.

(f) MINIMUM DESIGN REQUIREMENTS.—The Service Platform shall—

(1) provide the public with access to information on service organizations and service opportunities through an internet-based system that is user-friendly, interactive, accessible, and fully functional through mobile applications and other widely used communications media, without a requirement that any person seeking such access register as a member;

(2) provide an individual with the ability to register as a member in order to customize their experience in accordance with subsection (d)(3)(A), including providing mechanisms to—

(A) connect such member with service organizations and service opportunities that match the interests of the member; and

(B) ensure robust search capabilities to facilitate the ability of the member to explore service organizations and service opportunities;

(3) include mechanisms to enable a service organization to connect with members who have consented to be contacted and meet the needs of such service organization;

(4) incorporate, to the extent permitted by law and regulation, the ability of a member to securely upload information on education, employment, and skills related to the service organizations and service opportunities from internet-based professional, recruiting, and social media systems, consistent with security requirements;

(5) ensure compatibility with relevant information systems of Executive agencies and military departments;

(6) use state-of-the-art technology and analytical tools to facilitate the efficacy of the Service Platform in connecting members with service opportunities and service organizations; and

(7) retain all personal information in a manner that protects the privacy of members in accordance with section 552a of title 5, United States Code, and other applicable law, provide access to information relating to a member only in accordance with the consent of the member or as required by applicable law, and incorporate data security and control policies that are adequate to ensure the confidentiality and security of information provided and maintained on the Service Platform.

(g) DEVELOPMENT OF SERVICE PLATFORM PLAN.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this Act, the Director, in coordination with the Director of the Office of Management and Budget, shall develop a detailed plan to implement the Service Platform that complies with all the requirements of this section.

(2) CONSULTATION REQUIRED.—In developing the plan under this subsection, the Director shall consult with the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, the Director of the Office of Personnel Management, the head of the United States Digital Service and, as needed, the heads of other Executive agencies. Such consultation may include seeking assistance in the design, development, and creation of the Service Platform.

(3) TECHNICAL ADVICE PERMITTED.—

(A) IN GENERAL.—In developing the plan under this subsection, the Director may—

(i) seek and receive technical advice from experts outside of the Federal Government; and

(ii) form a committee of such experts to assist in the design and development of the Service Platform.

(B) VOLUNTEER SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Director may accept the voluntary services of such experts under this paragraph.

(C) FEDERAL ADVISORY COMMITTEE ACT.—A committee of the experts formed under this paragraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(4) INFORMATION COLLECTION AUTHORIZED.—

(A) IN GENERAL.—In developing the plan under this subsection, the Director may collect information from the public through focus groups, surveys, and other mechanisms.

(B) PAPERWORK REDUCTION ACT.—The requirements under subchapter I of chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') shall not apply to activities authorized under this paragraph.

(h) REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations to carry out this section including—

(1) procedures that enable State, local, and Tribal government agencies to participate in

the Service Platform as service organizations;

(2) procedures that enable nongovernmental organizations that undertake national service programs to participate in the Service Platform as service organizations; and

(3) a timeline to implement the procedures described in subparagraphs (A) and (B).

(i) REPORTS TO CONGRESS.—Not later than 12 months after the date of enactment of this Act and annually thereafter, the Director, in coordination with the Director of the Office of Management and Budget, shall provide a report to Congress on the Service Platform. Such report shall include the following:

(1) Details on the status of implementation of the Service Platform and plans for further development of the Service Platform.

(2) Participation rates of service organizations and members.

(3) The number of individuals visiting the Service Platform, the number of service organizations participating in the platform, and the number of service opportunities available in the preceding 12-month period.

(4) Information on any cybersecurity or privacy concerns.

(5) The results of any surveys or studies undertaken to increase the use and efficacy of the Service Platform.

(6) Any additional information the Director or the President considers appropriate.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director for each fiscal year such funds as may be necessary to carry out this section.

(k) SELECTIVE SERVICE SYSTEM.—Section 10 of the Military Selective Service Act (50 U.S.C. 3809) is amended by adding at the end the following:

''(i) SERVICE PLATFORM.—The Director of Selective Service shall provide to all registrants, on the website of the Selective Service System and in communications with registrants relating to registration, information about the Service Platform established under section 1082 of the National Defense Authorization Act for Fiscal Year 2023. The Director of Selective Service shall provide to each registrant, at the time of registration, an option to transfer to the Service Platform the information the registrant has provided to the Selective Service System. The Director of Selective Service shall consult with the Director of the Council on Military, National, and Public Service to ensure that information provided by the Selective Service System is compatible with the information requirements of the Service Platform.''.

SEC. 1083. PILOT PROGRAM TO COORDINATE MILITARY, NATIONAL, AND PUBLIC SERVICE RECRUITMENT.

(a) PILOT PROGRAM AUTHORIZED.—The Director of the Council on Military, National, and Public Service may carry out a pilot program in coordination with departments and agencies responsible for recruiting individuals for military service, national service, and public service, to focus on recruiting individuals from underserved markets and demographic populations, such as those defined by gender, geography, socioeconomic status, and critical skills, as determined by each participating department or agency, to better reflect the demographics of the United States while ensuring that recruiting needs are met.

(b) CONSULTATION.—In developing a pilot program under this section, the Director of the Council on Military, National, and Public Service shall consult with the Secretary of Defense, the Secretary of Homeland Security, the secretaries of the military departments, the Commandant of the United States Coast Guard, the Chief Executive Officer of the Corporation for National and Community Service, the Director of the Peace Corps, and the Director of the Office of Personnel Management.

(c) DURATION.—The pilot program under this section shall terminate not earlier than 2 years after the date of commencement of such pilot program.

(d) STATUS REPORTS.—Not later than 12 months after the date of commencement of the pilot program authorized under this section, and not later than 12 months thereafter, the Director of the Council on Military, National, and Public Service shall submit to Congress reports evaluating the pilot program carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1084. JOINT MARKET RESEARCH AND RECRUITING PROGRAM TO ADVANCE MILITARY AND NATIONAL SERVICE.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps may carry out a joint market research, market studies, recruiting, and advertising program to complement the existing programs of the military departments, the national service programs administered by the Corporation, and the Peace Corps.

(b) INFORMATION SHARING PERMITTED.—Section 503 of title 10, United States Code, shall not be construed to prohibit sharing of information among, or joint marketing efforts of, the Department of Defense, the Corporation for National and Community Service, and the Peace Corps to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for carrying out this section.

SEC. 1085. INFORMATION SHARING TO ADVANCE MILITARY AND NATIONAL SERVICE.

(a) ESTABLISHMENT OF PLAN.—The Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall establish a joint plan to provide an applicant who is ineligible, or otherwise not selected, for service in the Armed Forces, in a national service program administered by the Corporation for National and Community Service, or in the Peace Corps, with information about the forms of service for which such applicant has not applied.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall submit to Congress a report on the plan established under subsection (a).

SEC. 1086. TRANSITION OPPORTUNITIES FOR MILITARY SERVICEMEMBERS AND NATIONAL SERVICE PARTICIPANTS.

(a) EMPLOYMENT ASSISTANCE.—Section 1143(c)(1) of title 10, United States Code, is amended by inserting ''the Corporation for National and Community Service,'' after ''State employment agencies,''.

(b) EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES: DEPARTMENT OF LABOR.—

(1) IN GENERAL.—Section 1144 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''and the Secretary of Veterans Affairs,'' and inserting ''the Secretary of Veterans Affairs, and the Chief Executive Officer of the Corporation for National and Community Service,'';

(ii) in paragraph (2), by striking ''and the Secretary of Veterans Affairs'' and inserting ''the Secretary of Veterans Affairs, and the Chief Executive Officer of the Corporation for National and Community Service''; and

(iii) in paragraph (3), by inserting ''and the Chief Executive Officer'' after ''The Secretaries'';

(B) in subsection (b), by adding at the end the following:

''(11) Provide information on public service opportunities, training on public service job recruiting, and the advantages of careers with the Federal Government.'';

(C) in subsection (c)(2)(A), by striking ''and the Secretary of Veterans Affairs,'' and inserting '', the Secretary of Veterans Affairs, and the Chief Executive Officer of the Corporation for National and Community Service,'';

(D) in subsection (d), in the matter preceding paragraph (1), by inserting ''and the Chief Executive Officer of the Corporation for National and Community Service'' after ''the Secretaries''; and

(E) by adding at the end the following new subsection:

''(g) CORPORATION FOR NATIONAL AND COMMUNITY SERVICE PROGRAMS.—In establishing and carrying out a program under this section, the Chief Executive Officer of the Corporation for National and Community Service shall do the following:

''(1) Provide information concerning national service opportunities, including—

''(A) opportunities to acquire and enhance technical skills available through national service;

''(B) certifications and verifications of job skills and experience available through national service;

''(C) support services and benefits available during terms of national service; and

''(D) job analysis techniques, job search techniques, and job interview techniques specific to approved national service positions (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

''(2) Inform members of the armed forces that the Department of Defense and the Department of Homeland Security are required, under section 1143(a) of this title, to provide proper certification or verification of job skills and experience acquired while on active duty that may have application to service in programs of the Corporation for National and Community Service.

''(3) Work with military and veterans' service organizations and other appropriate organizations in promoting and publicizing job fairs for such members.

''(4) Provide information about disability-related employment and education protections.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) HEADING AMENDMENT.—The heading of section 1144 of such title is amended to read as follows:

''§ 1144. Employment assistance, job training assistance, and other transitional services: Department of Labor and the Corporation for National and Community Service''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1144 and inserting the following new item:

''1144. Employment assistance, job training assistance, and other transitional services: Department of Labor and the Corporation for National and Community Service.''.

(c) AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.—Section 193A(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651d(b)) is amended—

(1) in paragraph (24), by striking ''and'' at the end;

(2) in paragraph (25), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(26) ensure that individuals completing a partial or full term of service in a program under subtitle C or E or part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) receive information about military and public service opportunities for which they may qualify or in which they may be interested.''.

SEC. 1087. JOINT REPORT TO CONGRESS ON INITIATIVES TO INTEGRATE MILITARY AND NATIONAL SERVICE.

(a) REPORTING REQUIREMENT.—Not later than 4 years after the date of enactment of this Act and quadrennially thereafter, the Director of the Council on Military, National, and Public Service established under section 1081, in coordination with the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps, shall submit to Congress a joint report on cross-service recruitment, including recommendations for increasing joint advertising and recruitment initiatives for the Armed Forces, programs administered by the Corporation for National and Community Service, and the Peace Corps.

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall include the following:

(1) The number of Peace Corps volunteers and participants in national service programs administered by the Corporation for National and Community Service, who previously served as a member of the Armed Forces.

(2) The number of members of the Armed Forces who previously served in the Peace Corps or in a program administered by the Corporation for National and Community Service.

(3) An assessment of existing (as of the date of the reports submission) joint recruitment and advertising initiatives undertaken by the Department of Defense, the Peace Corps, or the Corporation for National and Community Service.

(4) An assessment of the feasibility and cost of expanding such existing initiatives.

(5) An assessment of ways to improve the ability of the reporting agencies to recruit individuals from the other reporting agencies.

(c) CONSULTATION.—The Director of the Council on Military, National, and Public Service established under section 1081, the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall undertake studies of recruiting efforts that are necessary to carry out the provisions of this section. Such studies may be conducted using any funds appropriated to those entities under Federal law other than this subtitle.

SEC. 1088. DEFINITIONS.

In this subtitle:

(1) COUNCIL ON MILITARY, NATIONAL, AND PUBLIC SERVICE.—The term ''Council on Military, National, and Public Service'' means the Council on Military, National, and Public Service established under section 1081.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

(3) MILITARY DEPARTMENT.—The term ''military department'' means each of the military departments listed in section 102 of title 5, United States Code.

(4) MILITARY SERVICE.—The term ''military service'' means active service (as defined in subsection (d)(3) of section 101 of title 10, United States Code) or active status (as defined in subsection (d)(4) of such section) in one of the Armed Forces (as defined in subsection (a)(4) of such section).

(5) NATIONAL SERVICE.—The term ''national service'' means participation, other than military service or public service, in a program that—

(A) is designed to enhance the common good and meet the needs of communities, the States, or the United States;

(B) is funded or facilitated by—

(i) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) an institution of higher education as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(iii) the Federal Government or a State, Tribal, or local government; and

(C) is a program—

(i) authorized in—

(I) the Peace Corps Act (22 U.S.C. 2501 et seq.);

(II) section 171 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226) relating to the YouthBuild Program;

(III) the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.); or

(IV) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); or

(ii) determined to be another relevant program by the Director of the Council on Military, National, and Public Service.

(6) PUBLIC SERVICE.—The term ''public service'' means civilian employment in the Federal Government or a State, Tribal, or local government.

(7) SERVICE.—The term ''service'' means a personal commitment of time, energy, and talent to a mission that contributes to the public good by protecting the Nation and the citizens of the United States, strengthening communities, States, or the United States, or promoting the general social welfare.

(8) STATE COMMISSION.—The term ''State Commission'' means a State Commission on National and Community Service maintained by a State pursuant to section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638).

SA 6050. Mr. REED (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. TEMPORARY AUTHORIZATIONS RELATED TO UKRAINE AND OTHER MATTERS.

(a) TEMPORARY AUTHORIZATIONS FOR COVERED AGREEMENTS RELATED TO UKRAINE.—

(1) COVERED AGREEMENT DEFINED.—In this subsection, the term ''covered agreement'' includes a contract, subcontract, transaction, or modification of a contract, subcontract, or transaction awarded by the Department of Defense—

(A) to build the stocks of critical munitions of the Department;

(B) to provide materiel and related services to foreign allies and partners that have provided support to the Government of Ukraine; and

(C) to provide materiel and related services to the Government of Ukraine.

(2) PUBLIC INTEREST.—

(A) IN GENERAL.—A covered agreement may be presumed to be in the public interest for purposes of meeting the requirements of subsection (a)(7) of section 3204 of title 10, United States Code.

(B) PROCEDURES.—Notwithstanding the provisions of subsection (a)(7) of section 3204 of title 10, United States Code, with respect to a covered agreement—

(i) the Secretary of Defense may delegate the authority under that subsection to an officer or employee who—

(I) in the case of an officer or employee who is a member of the Armed Forces, is serving in a grade at or above brigadier general or rear admiral (lower half); or

(II) in the case of a civilian officer or employee, is serving in a position with a grade under the General Schedule (or any other schedule for civilian officers or employees) that is comparable to or higher than the grade of brigadier general or rear admiral (lower half); and

(ii) not later than 7 days before using the applicable procedures under section 3204 of title 10, United States Code, the Secretary, or a designee of the Secretary, shall submit to the congressional defense committees a written notification of the use of such procedures.

(C) DOCUMENTATION.—Consistent with paragraph (4)(C) of subsection (e) of section 3204 of title 10, United States Code, the documentation otherwise required by paragraph (1) of such subsection is not required in the case of a covered agreement permitted by subsection (a)(7) of such section.

(3) PROCUREMENT AUTHORITIES.—The special emergency procurement authorities provided under subsections (b) and (c) of section 1903 of title 41, United States Code, may be used by the Department of Defense for a covered agreement.

(4) CONTRACT FINANCING.—The Secretary may waive the provisions of subsections (a) and (c) of section 3372 of title 10, United States Code, for a covered agreement.

(5) TECHNICAL DATA PACKAGES FOR LARGE-CALIBER CANNON.—The requirements of section 7542 of title 10, United States Code, do not apply to the transfer of technical data to an international partner for the production of large-caliber cannons produced for—

(A) the replacement of defense articles from stocks of the Department of Defense provided to the Government of Ukraine or to foreign countries that have provided support to Ukraine at the request of the United States, or

(B) contracts awarded by the Department of Defense to provide materiel directly to the Government of Ukraine.

(6) TEMPORARY EXEMPTION FROM CERTIFIED COST AND PRICING DATA REQUIREMENTS.—

(A) IN GENERAL.—The requirements under section 3702 of title 10, United States Code, shall not apply to a covered agreement awarded on a Fixed Price Incentive Firm Target basis, where target price equals ceiling price, and the Government Underrun Share ratio is 100 percent with a cap for profit of 15 percent of target cost.

(B) USE OF EXEMPTION.—The following shall apply to an exemption under subparagraph (A):

(i) Awarded profit dollars shall be fixed, but the contractor may ultimately realize a profit rate of higher than 15 percent in relation to its final actual cost.

(ii) The prices negotiated by the Federal Government shall not exceed the most recent negotiated prices for the same items while allowing for appropriate adjustments,

including those for quantity differences or relevant, applicable economic indices.

(C) APPLICATION.—An exemption under subparagraph (A) shall apply to subcontracts under prime contracts that are exempt under this paragraph.

(7) TERMINATION OF TEMPORARY AUTHORIZATIONS.—The provisions of this subsection shall terminate on September 30, 2024.

(b) 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''.

(c) CONTRACT AUTHORITY.—

(1) PROCUREMENT AUTHORIZED.—In fiscal years 2023 and 2024, the Secretary of Defense may enter into one or more contracts for the procurement of up to—

(A) 750,000 XM1128 and XM1123 (155mm rounds);

(B) 30,000 AGM–114 Hellfire;

(C) 36,000 AGM–179 Joint Air-to-Ground Missiles (JAGM);

(D) 700 M142 High Mobility Artillery Rocket Systems (HIMARS);

(E) 6,000 MGM–140 Army Tactical Missile Systems (ATACMS);

(F) 1,000 Harpoons;

(G) 800 Naval Strike Missiles;

(H) 100,000 Guided Multiple Launch Rocket Systems (GMLRS);

(I) 10,000 PATRIOT Advanced Capability – 3 (PAC–3) Missile Segment Enhancement (MSE);

(J) 20,000 FIM–92 Stinger;

(K) 25,000 FGM–148 Javelin;

(L) 20,000 AIM–120 Advanced Medium-Range Air-to-Air Missile (AMRAAM); and

(M) 1,000 M777 Howitzer.

(2) PROCUREMENT IN CONJUNCTION WITH EXISTING CONTRACTS.—The systems authorized to be procured under paragraph (1) may be procured as additions to existing contracts covering such programs.

(3) CERTIFICATION REQUIRED.—A contract may not be entered into under paragraph (1) unless the Secretary certifies to the congressional defense committees in writing, not later than 7 days before entry into the contract, each of the following, which shall be prepared by the milestone decision authority for each such program:

(A) The use of such a contract is consistent with the projected force structure requirements for such program.

(B) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings under the preceding sentence, the Secretary shall include a written explanation of—

(i) the estimated end cost and appropriated funds by fiscal year, by system, without the authority provided in paragraph (1);

(ii) the estimated end cost and appropriated funds by fiscal year, by system, with the authority provided in paragraph (1);

(iii) the estimated cost savings or increase by fiscal year, by system, with the authority provided in paragraph (1);

(iv) the discrete actions that will accomplish such cost savings or avoidance; and

(v) the contractual actions that will ensure the estimated cost savings are realized.

(C) There is a reasonable expectation that throughout the contemplated contract period the Secretary will request funding for the contract at the level required to avoid contract cancellation.

(D) There is a stable design for the property to be acquired and the technical risks associated with such property are not excessive.

(E) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under paragraph (1) are realistic.

(F) The use of such a contract will promote the national security of the United States.

(G) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program (as defined in section 221 of title 10, United States Code) for such fiscal year will include the funding required to execute the program without cancellation.

(4) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts for advance procurement associated with a program for which authorization to enter into a contract is provided under paragraph (1) and for systems and subsystems associated with such program in economic order quantities when cost savings are achievable.

(5) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

SA 6051. Mr. REED submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. ADVICE AND CONSENT REQUIREMENT FOR WAIVERS OF MANDATORY RETIREMENT FOR SUPERINTENDENTS OF MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 7321(b) of title 10, United States Code, is amended by adding at the end the following: ''In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.''.

(b) UNITED STATES NAVAL ACADEMY.—Section 8371(b) of title 10, United States Code, is amended by adding at the end the following: ''In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9321(b) of title 10, United States Code, is amended by adding at the end the following: ''In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.''.

SA 6052. Mr. BENNET (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 appropriate place, insert the following:

SEC. ___. DEVELOPING ANTIMICROBIAL INNOVATIONS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART W—DEVELOPING ANTIMICROBIAL INNOVATIONS

''SEC. 399OO. ESTABLISHMENT OF COMMITTEE; SUBSCRIPTION MODEL; ADVISORY GROUP.

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of this part, the Secretary shall establish a Committee on Critical Need Antimicrobials and appoint members to the Committee.

''(b) MEMBERS.—

''(1) IN GENERAL.—The Committee shall consist of at least one representative from each of the National Institute of Allergy and Infectious Diseases, the Centers for Disease Control and Prevention, the Biomedical Advanced Research and Development Authority, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Veterans Health Administration, and the Department of Defense.

''(2) CHAIR.—The Secretary shall appoint one of the members of the Committee to serve as the Chair of the Committee.

''(c) DUTIES.—Not later than 1 year after the appointment of all initial members of the Committee, the Secretary, in collaboration with the Committee, and in consultation with the Critical Need Antimicrobials Advisory Group established under subsection (g), shall do the following:

''(1) Develop a list of infections and patient types for which new antimicrobial drug development is needed, taking into account patient factors, organisms, sites of infection, and type of infections for which there is an unmet medical need, findings from the most recent report entitled 'Antibiotic Resistance

Threats in the United States' issued by the Centers for Disease Control and Prevention, or an anticipated unmet medical need, including a potential global health security threat. For the list developed under this paragraph, the Secretary, in collaboration with the Committee, may use the infection list in such most recent report for up to 3 years following the date of enactment of this part and subsequently update the list under this paragraph in accordance with subsection (e).

''(2) Develop regulations, in accordance with subsection (d), outlining favored characteristics of critical need antimicrobial drugs, that are evidence based, clinically focused, and designed to improve patient outcomes in treating the infections described in paragraph (1), and establishing criteria for how each such characteristic or combinations of multiple characteristics will adjust the monetary value of a subscription contract awarded under subsection (f) or section 399OO–2. The favored characteristics shall be weighed for purposes of such monetary value such that meeting certain characteristics, or meeting more than one such characteristic, increases the monetary value. Such favored characteristics of an antimicrobial drug shall include—

''(A) treating infections and patients on the list under paragraph (1);

''(B) improving clinical and patient outcomes for patients with multi-drug-resistant infections;

''(C) being a first-approved antimicrobial drug that has the evidence of addressing unmet medical needs for the treatment of a serious or life-threatening infection, and, to a lesser extent, second and third drugs that treat such infections;

''(D) route of administration, especially through oral administration;

''(E)(i) containing no active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) that has been approved in any other application under section 505(b) of the Federal Food, Drug, and Cosmetic Act or intending to be the subject of a new biological product license application under section 351(a);

''(ii) being a member of a new class of drugs with a novel target and novel mode of action that are distinctly different from the target or mode of any antimicrobial drug approved under section 505 of such Act or licensed under section 351, including reduced toxicity;

''(iii) not being affected by cross-resistance to any antimicrobial drug approved under such section 505 or licensed under such section 351;

''(F) improving patient outcomes for an infection through a novel chemical scaffold or mechanism of action;

''(G) having received a transitional subscription contract under subsection (f); and

''(H) any other characteristic the Secretary, in collaboration with the Committee, determines necessary.

''(d) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the appointment of the initial members of the Committee, the Secretary shall issue proposed regulations which shall include—

''(A) a process by which the sponsors can apply for an antimicrobial drug to become a critical need antimicrobial drug under section 399OO–1;

''(B) how subscription contracts under such section shall be established and paid;

''(C) the favored characteristics under subsection (c)(2), how such characteristics will be weighed, and the minimum number and kind of favored characteristics needed for an antimicrobial drug to be designated a critical need antimicrobial drug; and

''(D) other elements of the subscription contract process, in accordance with this part.

''(2) DEVELOPMENT OF FINAL REGULATIONS.—Before finalizing the regulations under paragraph (1), the Secretary shall solicit public comment and hold public meetings for the period beginning on the date on which the proposed regulations are issued and ending on the date that is 120 days after such date of issuance. The Secretary shall finalize and publish such regulations not later than 120 days after the close of such period of public comment and meetings.

''(3) SUBSCRIPTION CONTRACT OFFICE.—Not later than 6 months after the date of enactment of this part, the Secretary shall propose an agency or office in the Department of Health and Human Services to manage the establishment and payment of subscription contracts awarded under section 399OO–2, including eligibility, requirements, and contract amounts. The Secretary shall solicit public comment and finalize the agency or office no later than 45 days following the proposed agency or office. Such agency or office shall be referred to as the 'Subscription Contract Office'.

''(e) LIST OF INFECTIONS AND PATIENT TYPES.—The Secretary, in collaboration with the Committee, shall update the list of infections and patient types under subsection (c)(1) at least every 2 years.

''(f) TRANSITIONAL SUBSCRIPTION CONTRACTS.—

''(1) IN GENERAL.—Not earlier than 30 days after the date of enactment of this part and ending on the date that the Secretary finalizes the subscription contract regulations under subsection (d), the Secretary may use up to $1,000,000,000 of the amount appropriated under section 399OO–4(a) to engage in transitional subscription contracts of up to 3 years in length with antimicrobial developers, as determined by the Secretary, that have developed antimicrobial drugs treating infections listed in the most recent report entitled 'Antibiotic Resistance Threats in the United States' issued by the Centers for Disease Control and Prevention, and may include antimicrobial drugs that are qualified infectious disease products (as defined in section 505E(g) of the Federal Food, Drug, and Cosmetic Act), innovative biological products, or innovative drugs that achieve improved clinical and patient outcomes through immunomodulation. Such a contract may authorize the contractor to use funds made available under the contract for completion of postmarketing clinical studies, manufacturing, and other preclinical and clinical efforts.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary, through the office described in paragraph (4), may enter into a contract under paragraph (1)—

''(i) if the Secretary determines that the antimicrobial drug is intended to treat an infection and improves patient outcomes for which there is an unmet clinical need, an anticipated clinical need, or drug resistance;

''(ii) subject to terms including—

''(I) that the Secretary shall cease any payment installments under a transitional subscription contract if the sponsor does not—

''(aa) ensure commercial and Federal availability of the antimicrobial drug within 30 days of receiving first payment under the contract;

''(bb) identify, track, and publicly report drug resistance data, patient outcomes, and trends using available data related to the antimicrobial drug;

''(cc) develop and implement education and communications strategies, including communications for individuals with limited English proficiency and individuals with disabilities, for health care professionals and patients about appropriate use of the antimicrobial drug;

''(dd) submit a plan for registering the antimicrobial drug in additional countries where an unmet medical need exists, which such plan may be consistent with the Stewardship and Access Plan (SAP) Development Guide (2021);

''(ee) subject to subparagraph (B), ensure a reliable drug supply chain, thus leading to an interruption of the supply of the antimicrobial drug in the United States for more than 60 days; or

''(ff) make meaningful progress toward completion of Food and Drug Administration-required postmarketing studies, including such studies that are evidence based; and

''(II) other terms as determined by the Secretary; and

''(iii) if—

''(I) a phase 3 clinical study has been initiated for the antimicrobial drug; or

''(II) the antimicrobial drug has been approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act or licensed under section 351(a).

''(B) WAIVER.—The requirement under subparagraph (A)(ii)(I)(ee) may be waived in the case that an emergency prohibits access to a reliable drug supply chain.

''(3) TRANSITIONAL GUIDANCE.—Not later than 120 days after the appointment of the initial members of the Committee, the Secretary shall issue, in consultation with the Committee, transitional guidance outlining the antimicrobial drugs that are eligible for transitional subscription contracts under paragraph (1), the requirements to enter into a transitional subscription contract under paragraph (2), and the process by which drug developers can enter into transitional subscription contracts with the Secretary under this subsection.

''(4) PAYMENT OFFICE AND MECHANISM.—Not later than 30 days after the date of enactment of this part, the Secretary shall determine the agency or office in the Department of Health and Human Services that will manage the transitional subscription contracts, including eligibility, requirements, and contract amounts, during the period described in paragraph (1).

''(g) CRITICAL NEED ANTIMICROBIAL ADVISORY GROUP.—

''(1) IN GENERAL.—Not later than 30 days after the appointment of all initial members of the Committee, the Secretary, in collaboration with the Committee, shall establish a Critical Need Antimicrobial Advisory Group (referred to in this subsection as the 'Advisory Group') and appoint members to the Advisory Group.

''(2) MEMBERS.—The members of the Advisory Group shall include—

''(A) not fewer than 6 individuals who are—

''(i) infectious disease specialists; or

''(ii) other health experts with expertise in researching antimicrobial resistance, health economics, or commercializing antimicrobial drugs; and

''(B) not fewer than 5 patient advocates.

''(3) CHAIR.—The Secretary shall appoint one of the members of the Advisory Group to serve as the Chair.

''(4) CONFLICTS OF INTEREST.—In appointing members under paragraph (2), the Secretary shall ensure that no member receives compensation in any manner from a commercial or for-profit entity that develops antimicrobials or that might benefit from antimicrobial development.

''(5) APPLICABILITY OF FACA.—Except as otherwise provided in this subsection, the Federal Advisory Committee Act shall apply to the Advisory Group.

"SEC. 399O–1. CRITICAL NEED ANTIMICROBIAL DRUG APPLICATION AND PAYMENT THROUGH SUBSCRIPTION CONTRACTS.

''(a) IN GENERAL.—

''(1) SUBMISSION OF REQUEST.—The sponsor of an application under section 505(b) of the Federal Food, Drug, and Cosmetic Act or section 351(a) for an antimicrobial drug may request that the Secretary designate the drug as a critical need antimicrobial. A request for such designation may be submitted after the Secretary grants for such drug an investigational new drug exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act or section 351(a)(3), and shall be submitted not later than 5 years after the date of approval under section 505(c) of the Federal Food, Drug, and Cosmetic Act or licensure under section 351(a).

''(2) CONTENT OF REQUEST.—A request under paragraph (1) shall include information, such as clinical, preclinical and postmarketing data, evidence of patient outcomes, a list of the favorable characteristics described in section 399OO(c)(2), and any other material that the Secretary in consultation with the Committee requires.

''(3) REVIEW BY SECRETARY.—The Secretary shall promptly review all requests for designation submitted under this subsection, assess all required application components, and determine if the antimicrobial drug is likely to meet the favorable characteristics identified in the application upon the completion of clinical development. After review, the Secretary shall approve or deny each request for designation not later than 90 days after receiving a request. If the Secretary approves a request, it shall publish the value of the contract that the critical need antimicrobial developer would be eligible to receive if such developer successfully demonstrates that the drug meets the maximum value of the favored characteristics listed in the application.

''(4) LENGTH OF DESIGNATION PERIOD.—A designation granted under this section shall be in effect for a period of 10 years after the date that the designation is approved, and shall remain in effect for such period even if the infection treated by such drug is later removed from the list of infections under section 399OO(c)(1).

''(5) SUBSEQUENT REVIEWS.—No sooner than 2 years after a designation approval or denial under subsection (3), the sponsor may request a subsequent review to re-evaluate the value of a contract to include any new information.

''(b) DEVELOPMENT OF DESIGNATED DRUGS.—If a critical need antimicrobial designation is granted during clinical development of an antimicrobial drug, the Secretary may work with the sponsor to maximize the opportunity for the sponsor to successfully demonstrate that the antimicrobial drug possesses the favored characteristics of high-monetary valued products identified under section 399OO(c)(2).

''(c) APPROPRIATE USE OF CRITICAL NEED ANTIMICROBIAL.—

''(1) IN GENERAL.—The sponsor of an antimicrobial drug that receives designation under subsection (a) shall within 90 days of such designation, submit to the Secretary a plan for appropriate use of diagnostics, in order for the Secretary and Committee to consider such plan in developing clinical guidelines. An appropriate use plan—

''(A) shall include—

''(i) the appropriate use of the drug; and

''(ii) the appropriate use of diagnostic tools, where available, such as diagnostic testing for biomarkers related to antimicrobial-resistant pathogens and demonstrating improved infection diagnosis and benefit with the drug, or other targeted diagnostic approaches, to inform use of the drug; and

''(B) may be developed in partnership with the Secretary, infectious disease experts, diagnostic experts or developers, laboratory experts, or another entity.

''(2) CONSULTATION.—The Secretary shall consult with relevant professional societies and the Critical Need Antimicrobial Advisory Group established under section 399OO(g) to ensure that clinical guidelines issued by the Secretary under paragraph (3), with respect to an antimicrobial drug designated under subsection (a), includes the use of appropriate diagnostic approaches, taking into consideration the diagnostic plan submitted by a sponsor under paragraph (1).

''(3) PUBLICATION OF CLINICAL GUIDELINES.—Not later than 1 year after the Secretary makes the first designation under subsection (a), and not less than every 3 years thereafter, the Secretary shall publish clinical guidelines in consultation with relevant professional societies with respect to each antimicrobial drug that has been approved or licensed as described in subsection (a)(1) and that has been designated under subsection (a), which guidelines shall set forth the evidence-based recommendations for prescribing the drug, in accordance with the evidence in submissions of the sponsor under paragraph (1) and after consultation under paragraph (2), as appropriate.

"SEC. 399O–2. SUBSCRIPTION CONTRACTS.

''(a) APPLICATION FOR A SUBSCRIPTION CONTRACT.—

''(1) SUBMISSION OF APPLICATIONS.—After approval under section 505(c) of the Federal Food, Drug, and Cosmetic Act or licensure under section 351(a), the sponsor of an antimicrobial drug designated as a critical need antimicrobial under section 399OO–1 may submit an application for a subscription contract with the Secretary, under a procedure established by the Secretary.

''(2) REVIEW OF APPLICATIONS.—The Secretary shall, in consultation with the Committee—

''(A) review all applications for subscription contracts under paragraph (1) and assess all required application components;

''(B) determine the extent to which the critical need antimicrobial meets the favored characteristics identified under section 399OO(c)(2), and deny any application for a drug that meets none of such characteristics; and

''(C) assign a monetary value to the contract based on the regulations developed under section 399OO(d).

''(b) CRITERIA.—To qualify for a subscription contract under this section, the sponsor of an antimicrobial drug designated as a critical need antimicrobial shall agree to—

''(1) ensure commercial and Federal availability of the antimicrobial drug within 30 days of receiving first payment under the contract, and sufficient supply for susceptibility device manufacturers;

''(2) identify, track, and publicly report drug resistance data, patient outcomes, and trends using available data related to the antimicrobial drug;

''(3) develop and implement education and communications strategies, including communications for individuals with limited English proficiency and individuals with disabilities, for health care professionals and patients about appropriate use of the antimicrobial drug;

''(4) submit an appropriate use assessment to the Secretary, Committee, Food and Drug Administration, and Centers for Disease Control and Prevention every 2 years regarding use of the antimicrobial drug, including how the drug is being marketed;

''(5) submit a plan for registering the drug in additional countries where an unmet medical need exists;

''(6) ensure a reliable drug supply chain, where any interruption to the supply chain will not last for more than 60 days in the United States;

''(7) complete any postmarketing studies required by the Food and Drug Administration in a timely manner;

''(8) produce the drug at a reasonable volume determined with the Secretary to ensure patient access to the drug;

''(9) price the drug at a price that is not lower than a comparable generic drug;

''(10) abide by the manufacturing and environmental best practices in the supply chain for the control of discharge of antimicrobial active pharmaceutical ingredients to ensure minimal discharge into, or contamination of, the environment by antimicrobial agents or products as a result of the manufacturing process; and

''(11) abide by other terms as the Secretary may require.

''(c) AMOUNT AND TERMS OF CONTRACTS.—

''(1) AMOUNTS.—A subscription contract under this section shall be for the sale to the Secretary of any quantity of the antimicrobial drug needed over the term of the contract under paragraph (2), at an agreed upon price, for a total projected amount determined by the Secretary that is not less than $750,000,000 and not more than $3,000,000,000, adjusted for inflation, accounting for the favored characteristic or combination of favored characteristics of the drug, including improved patient outcomes, as determined by the Secretary, in consultation with the Committee, under subsection (a)(2), and shall be allocated from the amount made available under section 399OO–4(a). Not later than 6 months after the subscription contract is granted under subsection (a), the Secretary shall provide payments for purchased drugs in installments established by the Secretary in consultation with the sponsor of the antimicrobial drug and in accordance with subsection (d)(3). Funds received by the sponsor shall be used to support criteria qualification under subsection (b), the completion of postmarketing clinical studies, manufacturing, other preclinical and clinical activities, or other activities agreed to by the Secretary and sponsor in the contract.

''(2) TERMS.—

''(A) INITIAL TERM.—The initial term of a contract under this subsection shall be no less than 5 years or greater than the greater of 10 years or the remaining period of time during which the sponsor has patent protections or a remaining exclusivity period with respect to the antimicrobial drug in the United States, as listed in the publication of the Food and Drug Administration entitled 'Approved Drug Products with Therapeutic Equivalence Evaluations'. Payments may be in equal annual installments with the option to redeem 50 percent of the last year's reimbursement in year 1 of the contract in order to offset costs of establishing manufacturing capacity, or another subscription arrangement to which the Secretary and sponsor agree. Subscription contracts shall remain in effect for such period even if the infection treated by such antimicrobial drug is later removed from the list of infections under section 399OO(c)(1).

''(B) EXTENSION OF CONTRACTS.—The Secretary may extend a subscription contract with a sponsor under this subsection beyond the initial contract period. A single contract extension may be in effect not later than the date on which all periods of exclusivity granted by the Food and Drug Administration expire and shall be in an amount not to exceed $25,000,000 per year. All other terms of

an extended contract shall be the same as the terms of the initial contract. The total amount of funding used on such contract extensions shall be no more than $1,000,000,000, and shall be allocated from the amount made available under section 399OO–4.

''(C) MODIFICATION OF CONTRACTS.—The Secretary or sponsor, 1 year after the start of the contract period under this subsection and every 2 years thereafter, may request a modification of the amount of the contract based on information that adjusts favored characteristics in section 399OO(c)(2).

''(3) ADJUSTMENT.—In the case of an antimicrobial drug that received a transitional subscription contract under section 399OO(f), the amount of a subscription contract for such drug under this section shall be reduced by the amount of the transitional subscription contract under such section 399OO(f) for such drug.

''(4) CONTRACTS FOR GENERIC AND BIOSIMILAR VERSIONS.—Notwithstanding any other provision in this part, the Secretary may award a subscription contract under this section to a manufacturer of a generic or biosimilar version of an antimicrobial drug for which a subscription contract has been awarded under this section. Such contracts shall be awarded in accordance with a procedure, including for determining the terms and amounts of such contracts, established by the Secretary.

''(d) ANNUAL ANTIMICROBIAL DRUG SPONSOR REVENUE LIMITATIONS.—

''(1) IN GENERAL.—Pursuant to a contract entered into under this section, during the term of such a contract, the annual net revenue from sales of the applicable antimicrobial drug for beneficiaries or enrollees in Federal health care programs shall be subtracted from the annual payment installments determined in the subscription contract. The Secretary shall coordinate with the relevant agencies of the Federal Government to carry out this subsection in a manner that ensures minimal disruption to how a health care provider currently acquires applicable antimicrobial drugs.

''(2) REGULATIONS.—To carry out this subsection, the Secretary shall promulgate regulations to identify the Federal health care programs applicable under this section and to establish the methodology and data collection requirements necessary to determine the amount to be subtracted from any contract. Any methodology established for the collection of data and calculation of the amount to be subtracted from any contract shall take into account any legally mandated or voluntary discounts and rebates provided by the manufacturer of the applicable antimicrobial drug to the government programs that pay for such drugs subject to a contract agreement entered into pursuant to subsection (c)(2).

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

''(A) APPLICABLE ANTIMICROBIAL DRUG.—The term 'applicable antimicrobial drug' means an antimicrobial drug for which the sponsor of such drug receives a subscription contract under subsection (a).

''(B) FEDERAL HEALTH CARE PROGRAM.—The term 'Federal health care program' has the meaning given such term in section 1128B(f) of the Social Security Act, except that, for purposes of this subsection, such term includes the health insurance program under chapter 89 of title 5, United States Code.

''(e) FAILURE TO ADHERE TO TERMS.—The Secretary shall cease any payment installments under a contract under this section if—

''(1) the sponsor—

''(A) permanently withdraws the antimicrobial drug from the market in the United States;

''(B) fails to meet criteria under subsection (b); or

''(C) does not complete a postmarket study required by the Food and Drug Administration during the length of the term of the contract;

''(2) the annual international and private insurance market revenues with respect to an antimicrobial drug (not counting any subscription revenues from any source pursuant to a contract under this section or other international or private entities) exceed 5 times the average annual amount of the subscription contract paid by the Secretary as certified by the sponsor annually; or

''(3) if the total revenue of the sponsor from government programs that pay for drugs subject to a contract agreement entered into pursuant to subsection (c)(2), for a year exceeds the amount of the subscription contract paid by the Secretary for that year.

''(f) PRIVATE PAYER AND INTERNATIONAL PAYER PARTICIPATION.—The Secretary shall make efforts to increase the participation of domestic private payors and international payors in subscription contracts or other types of value-based arrangements that are similar to the subscription contracts authorized under this section.

''SEC. 399O–3. ENCOURAGING APPROPRIATE USE OF ANTIBIOTICS, COMBATING RESISTANCE, AND IMPROVING PATIENT OUTCOMES.

''(a) ESTABLISHMENT OF HEALTH FACILITY GRANT PROGRAM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the Secretary and the Director of the Centers for Disease Control and Prevention shall coordinate with the Administrator of the Health Resources and Services Administration, the Administrator of the Centers for Medicare & Medicaid Services, the National Coordinator for Health Information Technology, and other relevant agencies, to establish a grant program under the Centers for Disease Control and Prevention to support hospital, skilled nursing facility, and other inpatient facility efforts—

''(A) to judiciously use antimicrobial drugs, such as by establishing or implementing appropriate use programs, including infectious disease telehealth programs, using appropriate diagnostic tools, partnering with academic hospitals, increasing health care-associated infection reporting, and monitoring antimicrobial resistance and patient outcomes; and

''(B) to participate in the National Healthcare Safety Network Antimicrobial Use and Resistance Module or the Emerging Infections Program Healthcare-Associated Infections Community Interface activity of the Centers for Disease Control and Prevention or a similar reporting program, as specified by the Secretary, relating to antimicrobial drugs.

''(2) PRIORITIZATION.—In awarding grants under paragraph (1), the Secretary shall prioritize hospitals or skilled nursing facilities without an existing program to judiciously use antimicrobial drugs, subsection (d) hospitals (as defined in subparagraph (B) of section 1886(d)(2) of the Social Security Act that are located in rural areas (as defined in subparagraph (D) of such section), critical access hospitals (as defined in section 1861(mm)(1) of such Act), hospitals serving Tribal-populations, and safety-net hospitals.

''(3) FUNDING.—Of the amounts appropriated under section 399OO–4, the Secretary shall reserve $500,000,000 to carry out this subsection.

''(b) SURVEILLANCE AND REPORTING OF ANTIBIOTIC USE, RESISTANCE, AND PATIENT OUTCOMES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall use the National Healthcare Safety Network and other appropriate surveillance systems to assess—

''(A) appropriate conditions, patient outcomes, and measures causally related to antibacterial resistance, including types of infections, the causes for infections, the types of patients with infections, and whether infections are acquired in a community or hospital setting, increased lengths of hospital stay, increased costs, and rates of mortality; and

''(B) changes in bacterial resistance to antimicrobial drugs in relation to patient outcomes, including changes in percent resistance, prevalence of antibiotic-resistant infections, rates of patient survival, patient symptoms and function in their daily lives, and other such changes.

''(2) ANTIBIOTIC USE DATA.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall work with Federal agencies (including the Department of Veterans Affairs, the Department of Defense, the Department of Homeland Security, the Bureau of Prisons, the Indian Health Service, and the Centers for Medicare & Medicaid Services), private vendors, health care organizations, pharmacy benefit managers, and other entities as appropriate to obtain reliable and comparable human antibiotic drug consumption data (including, as available and appropriate, volume antibiotic distribution data and antibiotic use data, including prescription data) by State or metropolitan areas.

''(3) ANTIBIOTIC RESISTANCE TREND AND PATIENT OUTCOMES DATA.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall intensify and expand efforts to collect antibiotic resistance and patient outcomes data and encourage adoption of the Antibiotic Use and Resistance Module within the National Healthcare Safety Network among all health care facilities across the continuum of care, including, as appropriate, acute care hospitals, dialysis facilities, nursing homes, ambulatory surgical centers, and other ambulatory health care settings in which antimicrobial drugs are routinely prescribed. The Secretary shall seek to collect such data from electronic medication administration reports and laboratory systems to produce the reports described in paragraph (4).

''(4) PUBLIC AVAILABILITY OF DATA.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, for the purposes of improving the monitoring of important trends in patient outcomes in relation to antibacterial resistance—

''(A) make the data derived from surveillance under this subsection publicly available through reports issued on a regular basis that is not less than annually; and

''(B) examine opportunities to make such data available in near real time.

''SEC. 399O–4. APPROPRIATIONS.

''(a) IN GENERAL.—To carry out this part, there are hereby appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $6,000,000,000, for fiscal year 2023, to remain available until expended.

''(b) EMERGENCY DESIGNATION.—

''(1) IN GENERAL.—The amounts provided by this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

''(2) DESIGNATION IN SENATE.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the

concurrent resolution on the budget for fiscal year 2018.

"SEC. 399O–5. STUDIES AND REPORTS.

''(a) IN GENERAL.—Not later than 6 years after the date of enactment of this part, the Comptroller General of the United States shall complete a study on the effectiveness of this part in developing priority antimicrobial drugs and improving patient outcomes. Such study shall examine the indications for, usage of, development of resistance with respect to, and private and societal value of critical need antimicrobial drugs, and the impact of the programs under this part on patient outcomes and markets of critical need antimicrobial drugs. The Comptroller General shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the findings of such study.

''(b) ANTIBIOTIC USE IN THE UNITED STATES; ANNUAL REPORTS.—The Director of the Centers for Disease Control and Prevention shall, each year, update the report entitled 'Antibiotic Use in the United States' to include updated information on progress and opportunities with respect to data, programs, and resources for prescribers to promote appropriate use of antimicrobial drugs.

''(c) REPORT ON ANTIMICROBIAL PROPHYLACTICS.—Not later than 3 years after the date of enactment of this part, the Director of the Centers for Disease Control and Prevention shall publish a report on antimicrobial prophylactics.

"SEC. 399O–6. DEFINITIONS.

''In this part—

''(1) the term 'antimicrobial drug'—

''(A) means, subject to subparagraph (B), a product that is—

''(i) a drug that directly inhibits replication of or kills bacteria or fungi relevant to the proposed indication at concentrations likely to be attainable in humans to achieve the intended therapeutic effect; or

''(ii) a biological product that acts directly on bacteria or fungi or on the substances produced by such bacteria or fungi; and

''(B) does not include—

''(i) a drug that achieves the effect described by subparagraph (A)(i) only at a concentration that cannot reasonably be studied in humans because of its anticipated toxicity; or

''(ii) a vaccine; and

''(2) the term 'Committee' means the Committee on Critical Need Antimicrobials established under section 399OO.''.

SA 6053. 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. _____. OFFICE OF CIVIL RIGHTS AND INCLUSION.

(a) SHORT TITLE.—This section may be cited as the ''Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022''.

(b) ESTABLISHMENT OF OFFICE.—Section 513 of the Homeland Security Act of 2002 (6 U.S.C. 321b) is amended to read as follows:

"SEC. 513. OFFICE OF CIVIL RIGHTS AND INCLUSION.

''(a) DEFINITIONS.—In this section—

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

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

''(B) the Committee on Transportation and Infrastructure, the Committee on Oversight and Reform, and the Committee on Homeland Security of the House of Representatives;

''(2) the term 'Director' means the Director of the Office of Civil Rights and Inclusion;

''(3) the term 'disaster assistance' means assistance provided under titles IV and V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.);

''(4) the term 'Office' means the Office of Civil Rights and Inclusion; and

''(5) the term 'underserved community' means—

''(A) a rural community;

''(B) a low-income community;

''(C) the disability community;

''(D) the Native American and Alaskan Native community;

''(E) the African-American community;

''(F) the Asian community;

''(G) the Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin) community;

''(H) the Pacific Islander community;

''(I) the Middle Eastern and North African community; and

''(J) any other historically disadvantaged community, as determined by the Director.

''(b) OFFICE OF CIVIL RIGHTS AND INCLUSION.—

''(1) IN GENERAL.—The Office of Equal Rights of the Agency shall, on and after the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, be known as the Office of Civil Rights and Inclusion.

''(2) REFERENCES.—Any reference to the Office of Equal Rights of the Agency in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Office of Civil Rights and Inclusion.

''(c) DIRECTOR.—

''(1) IN GENERAL.—The Office shall be headed by a Director, who shall report to the Administrator.

''(2) REQUIREMENT.—The Director shall have documented experience and expertise in civil rights, underserved community inclusion research, disaster preparedness, or resilience disparities elimination.

''(d) PURPOSE.—The purpose of the Office is to—

''(1) improve underserved community access to disaster assistance;

''(2) improve the quality of disaster assistance received by underserved communities;

''(3) eliminate underserved community disparities in the delivery of disaster assistance; and

''(4) carry out such other responsibilities of the Office of Equal Rights as in effect on the day before the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, as determined appropriate by the Administrator.

''(e) AUTHORITIES AND DUTIES.—

''(1) IN GENERAL.—The Director shall be responsible for—

''(A) improving—

''(i) underserved community access to disaster assistance before and after a disaster; and

''(ii) the quality of Agency assistance underserved communities receive;

''(B) reviewing preparedness, response, and recovery programs and activities of the Agency to ensure the elimination of underserved community disparities in the delivery of such programs and activities; and

''(C) carrying out such other responsibilities of the Office of Equal Rights as in effect on the day before the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, as determined appropriate by the Administrator.

''(2) REDUCING DISPARITIES IN PREPAREDNESS, RESPONSE, AND RECOVERY.—

''(A) IN GENERAL.—The Director shall develop measures to evaluate the effectiveness of the activities of program offices in the Agency and the activities of recipients aimed at reducing disparities in the services provided to underserved communities.

''(B) REQUIREMENT.—The measures developed under subparagraph (A) shall—

''(i) evaluate community outreach activities, language services, workforce competence, historical assistance for grants and loans provided to individuals and State, local, tribal, and territorial governments, the effects of disaster declaration thresholds on underserved communities, the percentage of contracts awarded to underserved businesses, historical barriers to equitable assistance across race and class during and after disasters, and other areas, as determined by the Director; and

''(ii) identify the communities implicated in the evaluations conducted under clause (i).

''(C) COORDINATION WITH OTHER OFFICES.—In carrying out this section, the Director shall—

''(i) participate in scenario-based disaster response exercises at the Agency;

''(ii) coordinate with the Office of Minority Health of the Department of Health and Human Services;

''(iii) coordinate with the Office of Civil Rights of the Department of Agriculture;

''(iv) as appropriate, coordinate with other relevant offices across the Federal Government, including by leading a voluntary task force to address disaster response needs of underserved communities;

''(v) coordinate with the Office for Civil Rights and Civil Liberties of the Department; and

''(vi) investigate allegations of unequal disaster assistance based on race or ethnic origin or refer those allegations to the appropriate office.

''(f) GRANTS AND CONTRACTS.—In carrying out this section, to further inclusion and engagement of underserved communities throughout preparedness, response, recovery, and mitigation and to eliminate underserved community disparities in the delivery of disaster assistance, as described in subsection (d), the Administrator shall—

''(1) administer and evaluate Agency programs and activities, including the programs and activities of recipients of preparedness, response, recovery, and mitigation grants and contracts, to—

''(A) further inclusion and engagement of underserved communities and underserved businesses; and

''(B) improve outcomes for underserved communities tied to Agency programs and activities; and

''(2) establish an underserved community initiative to award grants to, and enter into cooperative agreements and contracts with, nonprofit entities.

''(g) DISABILITY COORDINATOR.—

''(1) IN GENERAL.—There shall be within the Office a Disability Coordinator to ensure that the needs of individuals with disabilities are being properly addressed by proactively engaging with disability and underserved communities and State, local, and tribal governments in emergency preparedness and disaster relief.

''(2) RESPONSIBILITIES.—The Disability Coordinator shall be responsible for—

''(A) providing guidance and coordination on matters relating to individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

''(B) interacting with the staff of the Agency, the National Council on Disability, the Interagency Coordinating Council on Preparedness and Individuals with Disabilities established under Executive Order 13347 (6 U.S.C. 314 note; relating to individuals with disabilities in emergency preparedness), other agencies of the Federal Government, and State, local, and tribal government authorities relating to the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

''(C) consulting with stakeholders that represent the interests and rights of individuals with disabilities about the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

''(D) ensuring the coordination and dissemination of best practices and model evacuation plans and sheltering for individuals with disabilities;

''(E) ensuring the development of training materials and a curriculum for training emergency response providers, State, local, and tribal government officials, and others on the needs of individuals with disabilities;

''(F) promoting the accessibility of telephone hotlines and websites relating to emergency preparedness, evacuations, and disaster relief;

''(G) working to ensure that video programming distributors, including broadcasters, cable operators, and satellite television services, make emergency information accessible to individuals with hearing and vision disabilities;

''(H) providing guidance to State, local, and tribal government officials and other individuals, and implementing policies, relating to the availability of accessible transportation options for individuals with disabilities in the event of an evacuation;

''(I) providing guidance and implementing policies to external stakeholders to ensure that the rights and wishes of individuals with disabilities regarding post-evacuation residency and relocation are respected;

''(J) ensuring that meeting the needs of individuals with disabilities is a component of the national preparedness system established under section 644 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 744);

''(K) coordinate technical assistance for Agency programs based on input from underserved communities through a designee of the Director; and

''(L) any other duties assigned by the Director.

''(h) REPORTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Achieving Fairness in Disaster Response, Recovery, and Resilience Act of 2022, and biennially thereafter, the Administrator shall submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

''(A) a narrative on activities conducted by the Office;

''(B) the results of the measures developed to evaluate the effectiveness of activities aimed at reducing preparedness, response, and recovery disparities; and

''(C) the number and types of allegations of unequal disaster assistance investigated by the Director or referred to other appropriate offices.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(c) TECHNICAL AND CONFORMING 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 by striking the item relating to section 513 (6 U.S.C. 321b) and inserting the following:

''Sec. 513. Office of Civil Rights and Inclusion.''.

(d) COVID–19 RESPONSE.—

(1) IN GENERAL.—During the period of time for which there is a major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) declared with respect to COVID–19, the Director of the Office of Civil Rights and Inclusion shall regularly consult with State, local, territorial, and Tribal government officials and community-based organizations from underserved communities the Office of Civil Rights and Inclusion identifies as disproportionately impacted by COVID–19.

(2) FACA APPLICABILITY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any consultation conducted under paragraph (1).

SA 6054. Mr. PETERS (for himself, Mr. JOHNSON, 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:

SEC. ___. SAFEGUARDING THE HOMELAND FROM THE THREATS POSED BY UNMANNED AIRCRAFT SYSTEMS.

(a) SHORT TITLE.—This section may be cited as the ''Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act of 2022''.

(b) DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF JUSTICE UNMANNED AIRCRAFT SYSTEM DETECTION AND MITIGATION ENFORCEMENT AUTHORITY.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by striking section 210G (6 U.S.C. 124n) and inserting the following:

''SEC. 210G. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

''(a) DEFINITIONS.—In this section:

''(1) The term 'air navigation facility' has the meaning given the term in section 40102(a)(4) of title 49, United States Code.

''(2) The term 'airport' has the meaning given the term in section 47102(2) of title 49, United Sates Code.

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

''(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate; and

''(B) the Committee on Homeland Security, the Committee on Transportation and Infrastructure, the Committee on Oversight and Reform, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives.

''(4) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

''(5) The term 'covered facility or asset' means any facility or asset that—

''(A) is identified as high-risk and a potential target for unlawful unmanned aircraft or unmanned aircraft system activity by the Secretary or the Attorney General, or by the chief executive of the jurisdiction in which a State, local, Tribal, or territorial law enforcement agency designated pursuant to subsection (d)(2) operates after review and approval of the Secretary or the Attorney General, in coordination with the Secretary of Transportation with respect to potentially impacted airspace, through a risk-based assessment for purposes of this section (except that in the case of the missions described in clauses (i)(II) and (iii)(I) of subparagraph (C), such missions shall be presumed to be for the protection of a facility or asset that is assessed to be high-risk and a potential target for unlawful unmanned aircraft or unmanned aircraft system activity);

''(B) is located in the United States; and

''(C) directly relates to 1 or more—

''(i) missions authorized to be performed by the Department, consistent with governing statutes, regulations, and orders issued by the Secretary, pertaining to—

''(I) security or protection functions of the U.S. Customs and Border Protection, including securing or protecting facilities, aircraft, and vessels, whether moored or underway;

''(II) United States Secret Service protection operations pursuant to sections 3056(a) and 3056A(a) of title 18, United States Code, and the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note);

''(III) protection of facilities pursuant to section 1315(a) of title 40, United States Code;

''(IV) transportation security functions of the Transportation Security Administration; or

''(V) the security or protection functions for facilities, assets, and operations of Homeland Security Investigations;

''(ii) missions authorized to be performed by the Department of Justice, consistent with governing statutes, regulations, and orders issued by the Attorney General, pertaining to—

''(I) personal protection operations by—

''(aa) the Federal Bureau of Investigation as specified in section 533 of title 28, United States Code; or

''(bb) the United States Marshals Service as specified in section 566 of title 28, United States Code;

''(II) protection of penal, detention, and correctional facilities and operations conducted by the Federal Bureau of Prisons and prisoner operations and transport conducted by the United States Marshals Service;

''(III) protection of the buildings and grounds leased, owned, or operated by or for the Department of Justice, and the provision of security for Federal courts, as specified in section 566 of title 28, United States Code; or

''(IV) protection of an airport or air navigation facility;

''(iii) missions authorized to be performed by the Department or the Department of Justice, acting together or separately, consistent with governing statutes, regulations,

and orders issued by the Secretary or the Attorney General, respectively, pertaining to—

''(I) protection of a National Special Security Event and Special Event Assessment Rating event;

''(II) the provision of support to a State, local, Tribal, or territorial law enforcement agency, upon request of the chief executive officer of the State or territory, to ensure protection of people and property at mass gatherings, that is limited to a specified duration and location, within available resources, and without delegating any authority under this section to State, local, Tribal, or territorial law enforcement;

''(III) protection of an active Federal law enforcement investigation, emergency response, or security function, that is limited to a specified duration and location; or

''(IV) the provision of security or protection support to critical infrastructure owners or operators, for static critical infrastructure facilities and assets upon the request of the owner or operator;

''(iv) missions authorized to be performed by the United States Coast Guard, including those described in clause (iii) as directed by the Secretary, and as further set forth in section 528 of title 14, United States Code, and consistent with governing statutes, regulations, and orders issued by the Secretary of the Department in which the Coast Guard is operating; and

''(v) responsibilities of State, local, Tribal, and territorial law enforcement agencies designated pursuant to subsection (d)(2) pertaining to—

''(I) protection of National Special Security Event and Special Event Assessment Rating events or other mass gatherings in the jurisdiction of the State, local, Tribal, or territorial law enforcement agency;

''(II) protection of critical infrastructure assessed by the Secretary as high-risk for unmanned aircraft systems or unmanned aircraft attack or disruption, including airports in the jurisdiction of the State, local, Tribal, or territorial law enforcement agency;

''(III) protection of government buildings, assets, or facilities in the jurisdiction of the State, local, Tribal, or territorial law enforcement agency; or

''(IV) protection of disaster response in the jurisdiction of the State, local, Tribal, or territorial law enforcement agency.

''(6) 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)).

''(7) The terms 'electronic communication', 'intercept', 'oral communication', and 'wire communication' have the meanings given those terms in section 2510 of title 18, United States Code.

''(8) The term 'homeland security or justice budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary and the Attorney General in support of the budget for that fiscal year.

''(9)(A) The term 'personnel' means—

''(i) an officer, employee, or contractor of the Department or the Department of Justice, who is authorized to perform duties that include safety, security, or protection of people, facilities, or assets; or

''(ii) an employee who—

''(I) is authorized to perform law enforcement and security functions on behalf of a State, local, Tribal, or territorial law enforcement agency designated under subsection (d)(2); and

''(II) is trained and certified to perform those duties, including training specific to countering unmanned aircraft threats and mitigating risks in the national airspace, including with respect to protecting privacy and civil liberties.

''(B) To qualify for use of the authorities described in subsection (b) or (c), respectively, a contractor conducting operations described in those subsections must—

''(i) be directly contracted by the Department or the Department of Justice;

''(ii) operate at a government-owned or government-leased facility or asset;

''(iii) not conduct inherently governmental functions;

''(iv) be trained to safeguard privacy and civil liberties; and

''(v) be trained and certified by the Department or the Department of Justice to meet the established guidance and regulations of the Department or the Department of Justice, respectively.

''(C) For purposes of subsection (c)(1), the term 'personnel' includes any officer, employee, or contractor who is authorized to perform duties that include the safety, security, or protection of people, facilities, or assets, of—

''(i) a State, local, Tribal, or territorial law enforcement agency; and

''(ii) an owner or operator of an airport or critical infrastructure.

''(10) The term 'risk-based assessment' means an evaluation of threat information specific to a covered facility or asset and, with respect to potential impacts on the safety and efficiency of the national airspace system and the needs of law enforcement and national security at each covered facility or asset identified by the Secretary or the Attorney General, respectively, of each of the following factors:

''(A) Potential impacts to safety, efficiency, and use of the national airspace system, including potential effects on manned aircraft and unmanned aircraft systems or unmanned aircraft, aviation safety, airport operations, infrastructure, and air navigation services relating to the use of any system or technology for carrying out the actions described in subsection (e)(2).

''(B) Options for mitigating any identified impacts to the national airspace system relating to the use of any system or technology, including minimizing, when possible, the use of any technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (e)(2).

''(C) Potential consequences of the impacts of any actions taken under subsection (e)(2) to the national airspace system and infrastructure if not mitigated.

''(D) The ability to provide reasonable advance notice to aircraft operators consistent with the safety of the national airspace system and the needs of law enforcement and national security.

''(E) The setting and character of any covered facility or asset, including—

''(i) whether the covered facility or asset is located in a populated area or near other structures;

''(ii) whether the covered facility or asset is open to the public;

''(iii) whether the covered facility or asset is used for nongovernmental functions; and

''(iv) any potential for interference with wireless communications or for injury or damage to persons or property.

''(F) The setting, character, duration, and national airspace system impacts of National Special Security Event and Special Event Assessment Rating events, to the extent not already discussed in the National Special Security Event and Special Event Assessment Rating nomination process.

''(G) Potential consequences to national security, public safety, or law enforcement if threats posed by unmanned aircraft systems or unmanned aircraft are not mitigated or defeated.

''(H) Civil rights and civil liberties guaranteed by the First and Fourth Amendments to the Constitution of the United States.

''(11) The terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 44801 of title 49, United States Code.

''(b) AUTHORITY OF THE DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF JUSTICE.—Notwithstanding section 46502 of title 49, United States Code, or sections 32, 1030, 1367, and chapters 119 and 206 of title 18, United States Code, the Secretary and the Attorney General may, for their respective Departments, take, and may authorize personnel with assigned duties that include the safety, security, or protection of people, facilities, or assets to take, actions described in subsection (e)(2) that are necessary to detect, identify, monitor, track, and mitigate a credible threat (as defined by the Secretary and the Attorney General, in consultation with the Secretary of Transportation through the Administrator of the Federal Aviation Administration) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

''(c) ADDITIONAL LIMITED AUTHORITY FOR DETECTION, IDENTIFICATION, MONITORING, AND TRACKING.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), and notwithstanding sections 1030 and 1367 and chapters 119 and 206 of title 18, United States Code, any State, local, Tribal, or territorial law enforcement agency, the Department of Justice, the Department, and any owner or operator of an airport or critical infrastructure may authorize personnel, with assigned duties that include the safety, security, or protection of people, facilities, or assets, to use equipment authorized under this subsection to take actions described in subsection (e)(1) that are necessary to detect, identify, monitor, or track an unmanned aircraft system or unmanned aircraft within the respective areas of responsibility or jurisdiction of the authorized personnel.

''(2) AUTHORIZED EQUIPMENT.—Equipment authorized for unmanned aircraft system detection, identification, monitoring, or tracking under this subsection shall be limited to systems or technologies—

''(A) tested and evaluated by the Department or the Department of Justice, including evaluation of any potential counterintelligence or cybersecurity risks;

''(B) that are annually reevaluated for any changes in risks, including counterintelligence and cybersecurity risks;

''(C) determined by the Federal Communications Commission and the National Telecommunications and Information Administration not to adversely impact the use of the communications spectrum;

''(D) determined by the Federal Aviation Administration not to adversely impact the use of the aviation spectrum or otherwise adversely impact the national airspace system; and

''(E) that are included on a list of authorized equipment maintained by the Department, in coordination with the Department of Justice, the Federal Aviation Administration, the Federal Communications Commission, and the National Telecommunications and Information Administration.

''(3) STATE, LOCAL, TRIBAL, AND TERRITORIAL COMPLIANCE.—Each State, local, Tribal, or territorial law enforcement agency or owner or operator of an airport or critical infrastructure acting pursuant to this subsection shall—

''(A) prior to any such action, issue a written policy certifying compliance with the privacy protections of subparagraphs (A) through (D) of subsection (j)(2);

''(B) certify compliance with such policy to the Secretary and the Attorney General annually, and immediately notify the Secretary and Attorney General of any noncompliance with such policy or the privacy protections of subparagraphs (A) through (D) of subsection (j)(2); and

''(C) comply with any additional guidance issued by the Secretary or the Attorney General relating to implementation of this subsection.

''(4) PROHIBITION.—Nothing in this subsection shall be construed to authorize the taking of any action described in subsection (e) other than the actions described in paragraph (1) of that subsection.

''(d) PILOT PROGRAM FOR STATE, LOCAL, TRIBAL, AND TERRITORIAL LAW ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary and the Attorney General may carry out a pilot program to evaluate the potential benefits of State, local, Tribal, and territorial law enforcement agencies taking actions that are necessary to mitigate a credible threat (as defined by the Secretary and the Attorney General, in consultation with the Secretary of Transportation through the Administrator of the Federal Aviation Administration) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

''(2) DESIGNATION.—

''(A) IN GENERAL.—The Secretary or the Attorney General, with the concurrence of the Secretary of Transportation (through the Administrator of the Federal Aviation Administration), may, under the pilot program established under paragraph (1), designate 1 or more State, local, Tribal, or territorial law enforcement agencies approved by the respective chief executive officer of the State, local, Tribal, or territorial law enforcement agency to engage in the activities authorized in paragraph (4) under the direct oversight of the Department or the Department of Justice, in carrying out the responsibilities authorized under subsection (a)(5)(C)(v).

''(B) DESIGNATION PROCESS.—

''(i) NUMBER OF AGENCIES AND DURATION.—On and after the date that is 180 days after the date of enactment of the Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act of 2022, the Secretary and the Attorney General, pursuant to subparagraph (A), may designate a combined total of not more than 12 State, local, Tribal, and territorial law enforcement agencies for participation in the pilot program, and may designate 12 additional State, local, Tribal, and territorial law enforcement agencies each year thereafter, provided that not more than 60 State, local, Tribal, and territorial law enforcement agencies in total may be designated during the 5-year period of the pilot program.

''(ii) REVOCATION.—The Secretary and the Attorney General, in consultation with the Secretary of Transportation (through the Administrator of the Federal Aviation Administration)—

''(I) may revoke a designation under subparagraph (A) if the Secretary, Attorney General, and Secretary of Transportation (through the Administrator of the Federal Aviation Administration) concur in the revocation; and

''(II) shall revoke a designation under subparagraph (A) if the Secretary, the Attorney General, or the Secretary of Transportation (through the Administrator of the Federal Aviation Administration) withdraws concurrence.

''(3) TERMINATION OF PILOT PROGRAM.—

''(A) DESIGNATION.—The authority to designate an agency for inclusion in the pilot program established under this subsection shall terminate after the 5-year period beginning on the date that is 180 days after the date of enactment of the Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act of 2022.

''(B) AUTHORITY OF PILOT PROGRAM AGENCIES.—The authority of an agency designated under the pilot program established under this subsection to exercise any of the authorities granted under the pilot program shall terminate not later than 6 years after the date that is 180 days after the date of enactment of the Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act of 2022, or upon revocation pursuant to paragraph (2)(B)(ii).

''(4) AUTHORIZATION.—Notwithstanding section 46502 of title 49, United States Code, or sections 32, 1030, 1367 and chapters 119 and 206 of title 18, United States Code, any State, local, Tribal, or territorial law enforcement agency designated pursuant to paragraph (2) may authorize personnel with assigned duties that include the safety, security, or protection of people, facilities, or assets to take such actions as are described in subsection (e)(2) that are necessary to detect, identify, monitor, track, or mitigate a credible threat (as defined by the Secretary and the Attorney General, in consultation with the Secretary of Transportation, through the Administrator of the Federal Aviation Administration) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset under subsection (a)(5)(C)(v).

''(5) EXEMPTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Chair of the Federal Communications Commission, in consultation with the Administrator of the National Telecommunications and Information Administration, shall implement a process for considering the exemption of 1 or more law enforcement agencies designated under paragraph (2), or any station operated by the agency, from any provision of title III of the Communications Act of 1934 (47 U.S.C. 151 et seq.) to the extent that the designated law enforcement agency takes such actions as are described in subsection (e)(2) and may establish conditions or requirements for such exemption.

''(B) REQUIREMENTS.—The Chair of the Federal Communications Commission, in consultation with the Administrator of the National Telecommunications and Information Administration, may grant an exemption under subparagraph (A) only if the Chair of the Federal Communications Commission in consultation with the Administrator of the National Telecommunications and Information Administration finds that the grant of an exemption—

''(i) is necessary to achieve the purposes of this subsection; and

''(ii) will serve the public interest.

''(C) REVOCATION.—Any exemption granted under subparagraph (A) shall terminate automatically if the designation granted to the law enforcement agency under paragraph (2)(A) is revoked by the Secretary or the Attorney General under paragraph (2)(B)(ii) or is terminated under paragraph (3)(B).

''(6) REPORTING.—Not later than 2 years after the date on which the first law enforcement agency is designated under paragraph (2), and annually thereafter for the duration of the pilot program, the Secretary and the Attorney General shall inform the appropriate committees of Congress in writing of the use by any State, local, Tribal, or territorial law enforcement agency of any authority granted pursuant to paragraph (4), including a description of any privacy or civil liberties complaints known to the Secretary or Attorney General in connection with the use of that authority by the designated agencies.

''(7) RESTRICTIONS.—Any entity acting pursuant to the authorities granted under this subsection—

''(A) may do so only using equipment authorized by the Department, in coordination with the Department of Justice, the Federal Communications Commission, the National Telecommunications and Information Administration, and the Department of Transportation (through the Federal Aviation Administration) according to the criteria described in subsection (c)(2);

''(B) shall, prior to any such action, issue a written policy certifying compliance with the privacy protections of subparagraphs (A) through (D) of subsection (j)(2);

''(C) shall ensure that all personnel undertaking any actions listed under this subsection are properly trained in accordance with the criteria that the Secretary and Attorney General shall collectively establish, in consultation with the Secretary of Transportation, the Administrator of the Federal Aviation Administration, the Chair of the Federal Communications Commission, the Assistant Secretary of Commerce for Communications and Information, and the Administrator of the National Telecommunications and Information Administration; and

''(D) shall comply with any additional guidance relating to compliance with this subsection issued by the Secretary or Attorney General.

''(e) ACTIONS DESCRIBED.—

''(1) IN GENERAL.—The actions authorized under subsection (c) that may be taken by a State, local, Tribal, or territorial law enforcement agency, the Department, the Department of Justice, and any owner or operator of an airport or critical infrastructure, are limited to actions during the operation of an unmanned aircraft system, to detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft.

''(2) CLARIFICATION.—The actions authorized in subsections (b) and (d)(4) are the following:

''(A) During the operation of the unmanned aircraft system or unmanned aircraft, detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft.

''(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect, physical, electronic, radio, and electromagnetic means.

''(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent of the operator of the unmanned aircraft system or unmanned aircraft, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

''(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

''(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

''(F) Use reasonable force, if necessary, to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

''(f) RESEARCH, TESTING, TRAINING, AND EVALUATION.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—Notwithstanding section 46502 of title 49, United States Code, or any provision of title 18, United States Code, the Secretary, the Attorney General, and the heads of the State, local, Tribal, or territorial law enforcement agencies designated pursuant to subsection (d)(2) shall conduct research, testing, training on, and evaluation of any equipment, including any electronic equipment, to determine the capability and utility of the equipment prior to the use of the equipment in carrying out any action described in subsection (e).

''(B) COORDINATION.—Personnel and contractors who do not have duties that include the safety, security, or protection of people, facilities, or assets may engage in research, testing, training, and evaluation activities pursuant to subparagraph (A).

''(2) TRAINING OF FEDERAL, STATE, LOCAL, TERRITORIAL, AND TRIBAL LAW ENFORCEMENT PERSONNEL.—The Attorney General, through the Director of the Federal Bureau of Investigation, may—

''(A) provide training relating to measures to mitigate a credible threat that an unmanned aircraft or unmanned aircraft system poses to the safety or security of a covered facility or asset to any personnel who are authorized to take such measures, including personnel authorized to take the actions described in subsection (e); and

''(B) establish or designate 1 or more facilities or training centers for the purpose described in subparagraph (A).

''(3) COORDINATION FOR RESEARCH, TESTING, TRAINING, AND EVALUATION.—

''(A) IN GENERAL.—The Secretary, the Attorney General, and the heads of the State, local, Tribal, or territorial law enforcement agencies designated pursuant to subsection (d)(2) shall coordinate procedures governing research, testing, training, and evaluation to carry out any provision under this subsection with the Administrator of the Federal Aviation Administration before initiating such activity in order that the Administrator of the Federal Aviation Administration may ensure the activity does not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

''(B) ADDITIONAL REQUIREMENT.—Each head of a State, local, Tribal, or territorial law enforcement agency designated pursuant to subsection (d)(2) shall coordinate the procedures governing research, testing, training, and evaluation of the law enforcement agency through the Secretary and the Attorney General, in coordination with the Federal Aviation Administration.

''(g) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft that is lawfully seized by the Secretary or the Attorney General pursuant to subsection (b) is subject to forfeiture to the United States pursuant to the provisions of chapter 46 of title 18, United States Code.

''(h) REGULATIONS AND GUIDANCE.—The Secretary, the Attorney General, and the Secretary of Transportation—

''(1) may prescribe regulations and shall issue guidance in the respective areas of each Secretary or the Attorney General to carry out this section; and

''(2) in developing regulations and guidance described in subparagraph (A), consult the Chair of the Federal Communications Commission, the Administrator of the National Telecommunications and Information Administration, and the Administrator of the Federal Aviation Administration.

''(i) COORDINATION.—

''(1) IN GENERAL.—The Secretary and the Attorney General shall coordinate with the Administrator of the Federal Aviation Administration before carrying out any action authorized under this section in order that the Administrator may ensure the action does not adversely impact or interfere with—

''(A) safe airport operations;

''(B) navigation;

''(C) air traffic services; or

''(D) the safe and efficient operation of the national airspace system.

''(2) GUIDANCE.—Before issuing any guidance, or otherwise implementing this section, the Secretary or the Attorney General shall, respectively, coordinate with—

''(A) the Secretary of Transportation in order that the Secretary of Transportation may ensure the guidance or implementation does not adversely impact or interfere with any critical infrastructure relating to transportation; and

''(B) the Administrator of the Federal Aviation Administration in order that the Administrator may ensure the guidance or implementation does not adversely impact or interfere with—

''(i) safe airport operations;

''(ii) navigation;

''(iii) air traffic services; or

''(iv) the safe and efficient operation of the national airspace system.

''(3) COORDINATION WITH THE FAA.—The Secretary and the Attorney General shall coordinate the development of their respective guidance under subsection (h) with the Secretary of Transportation (through the Administrator of the Federal Aviation Administration).

''(4) COORDINATION WITH THE DEPARTMENT OF TRANSPORTATION AND NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.—The Secretary and the Attorney General, and the heads of any State, local, Tribal, or territorial law enforcement agencies designated pursuant to subsection (d)(2), through the Secretary and the Attorney General, shall coordinate the development for their respective departments or agencies of the actions described in subsection (e) with the Secretary of Transportation (through the Administrator of the Federal Aviation Administration), the Assistant Secretary of Commerce for Communications and Information, and the Administrator of the National Telecommunications and Information Administration.

''(5) STATE, LOCAL, TRIBAL, AND TERRITORIAL IMPLEMENTATION.—Prior to taking any action authorized under subsection (d)(4), each head of a State, local, Tribal, or territorial law enforcement agency designated under subsection (d)(2) shall coordinate, through the Secretary and the Attorney General—

''(A) with the Secretary of Transportation in order that the Administrators of non-aviation modes of the Department of Transportation may evaluate whether the action may have adverse impacts on critical infrastructure relating to non-aviation transportation;

''(B) with the Administrator of the Federal Aviation Administration in order that the Administrator may ensure the action will have no adverse impact, or will not, interfere with—

''(i) safe airport operations;

''(ii) navigation;

''(iii) air traffic services; or

''(iv) the safe and efficient operation of the national airspace system; and

''(C) to allow the Department and the Department of Justice to ensure that any action authorized by this section is consistent with Federal law enforcement or in the interest of national security.

''(j) PRIVACY PROTECTION.—

''(1) IN GENERAL.—Any regulation or guidance issued to carry out an action under subsection (e) by the Secretary or the Attorney General, respectively, shall ensure for the Department or the Department of Justice, respectively, that—

''(A) the interception of, acquisition of, access to, maintenance of, or use of any communication to or from an unmanned aircraft system or unmanned aircraft under this section is conducted in a manner consistent with the First and Fourth Amendments to the Constitution of the United States and any applicable provision of Federal law;

''(B) any communication to or from an unmanned aircraft system or unmanned aircraft are intercepted or acquired only to the extent necessary to support an action described in subsection (e);

''(C) any record of a communication described in subparagraph (B) is maintained only for as long as necessary, and in no event for more than 180 days, unless the Secretary or the Attorney General, as applicable, determines that maintenance of the record is—

''(i) required under Federal law;

''(ii) necessary for the purpose of litigation; and

''(iii) necessary to investigate or prosecute a violation of law, including by—

''(I) directly supporting an ongoing security operation; or

''(II) protecting against dangerous or unauthorized activity by unmanned aircraft systems or unmanned aircraft; and

''(D) a communication described in subparagraph (B) is not disclosed to any person not employed or contracted by the Department or the Department of Justice unless the disclosure—

''(i) is necessary to investigate or prosecute a violation of law;

''(ii) will support—

''(I) the Department of Defense;

''(II) a Federal law enforcement, intelligence, or security agency;

''(III) a State, local, Tribal, or territorial law enforcement agency; or

''(IV) another relevant entity or person if the entity or person is engaged in a security or protection operation;

''(iii) is necessary to support a department or agency listed in clause (ii) in investigating or prosecuting a violation of law;

''(iv) will support the enforcement activities of a Federal regulatory agency relating to a criminal or civil investigation of, or any regulatory, statutory, or other enforcement action relating to, an action described in subsection (e);

''(v) is between the Department and the Department of Justice in the course of a security or protection operation of either department or a joint operation of those departments; or

''(vi) is otherwise required by law.

''(2) LOCAL PRIVACY PROTECTION.—In exercising any authority described in subsection (c) or (d), a State, local, Tribal, or territorial law enforcement agency designated under subsection (d)(2) or owner or operator of an airport or critical infrastructure shall ensure that—

''(A) the interception of, acquisition of, access to, maintenance of, or use of communications to or from an unmanned aircraft system or unmanned aircraft under this section is conducted in a manner consistent with—

''(i) the First and Fourth Amendments to the Constitution of the United States; and

''(ii) applicable provisions of Federal, and where required, State, local, Tribal, and territorial law;

''(B) any communication to or from an unmanned aircraft system or unmanned aircraft is intercepted or acquired only to the

extent necessary to support an action described in subsection (e);

''(C) any record of a communication described in subparagraph (B) is maintained only for as long as necessary, and in no event for more than 180 days, unless the Secretary, the Attorney General, or the head of a State, local, Tribal, or territorial law enforcement agency designated under subsection (d)(2) determines that maintenance of the record is—

''(i) required to be maintained under Federal, State, local, Tribal, or territorial law;

''(ii) necessary for the purpose of any litigation; or

''(iii) necessary to investigate or prosecute a violation of law, including by—

''(I) directly supporting an ongoing security or protection operation; or

''(II) protecting against dangerous or unauthorized activity by an unmanned aircraft system or unmanned aircraft; and

''(D) the communication is not disclosed outside the agency or entity unless the disclosure—

''(i) is necessary to investigate or prosecute a violation of law;

''(ii) would support the Department of Defense, a Federal law enforcement, intelligence, or security agency, or a State, local, Tribal, or territorial law enforcement agency;

''(iii) would support the enforcement activities of a Federal regulatory agency in connection with a criminal or civil investigation of, or any regulatory, statutory, or other enforcement action relating to, an action described in subsection (e);

''(iv) is to the Department or the Department of Justice in the course of a security or protection operation of either the Department or the Department of Justice, or a joint operation of the Department and Department of Justice; or

''(v) is otherwise required by law.

''(k) BUDGET.—

''(1) IN GENERAL.—The Secretary and the Attorney General shall submit to Congress, as a part of the homeland security or justice budget materials for each fiscal year after fiscal year 2023, a consolidated funding display that identifies the funding source for the actions described in subsection (e) within the Department and the Department of Justice.

''(2) CLASSIFICATION.—Each funding display submitted under paragraph (1) shall be in unclassified form but may contain a classified annex.

''(l) PUBLIC DISCLOSURES.—

''(1) IN GENERAL.—Notwithstanding any provision of State, local, Tribal, or territorial law, information shall be governed by the disclosure obligations set forth in section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'), if the information relates to—

''(A) any capability, limitation, or sensitive detail of the operation of any technology used to carry out an action described in subsection (e)(1) of this section; or

''(B) an operational procedure or protocol used to carry out this section.

''(2) STATE, LOCAL, TRIBAL, OR TERRITORIAL AGENCY USE.—

''(A) CONTROL.—Information described in paragraph (1) that is obtained by a State, local, Tribal, or territorial law enforcement agency from a Federal agency under this section—

''(i) shall remain subject to the control of the Federal agency, notwithstanding that the State, local, Tribal, or territorial law enforcement agency has the information described in paragraph (1) in the possession of the State, local, Tribal, or territorial law enforcement agency; and

''(ii) shall not be subject to any State, local, Tribal, or territorial law authorizing or requiring disclosure of the information described in paragraph (1).

''(B) ACCESS.—Any request for public access to information described in paragraph (1) shall be submitted to the originating Federal agency, which shall process the request as required under section 552(a)(3) of title 5, United States Code.

''(m) ASSISTANCE AND SUPPORT.—

''(1) FACILITIES AND SERVICES OF OTHER AGENCIES AND NON-FEDERAL ENTITIES.—

''(A) IN GENERAL.—The Secretary and the Attorney General are authorized to use or accept from any other Federal agency, or any other public or private entity, any supply or service to facilitate or carry out any action described in subsection (e).

''(B) REIMBURSEMENT.—In accordance with subparagraph (A), the Secretary and the Attorney General may accept any supply or service with or without reimbursement to the entity providing the supply or service and notwithstanding any provision of law that would prevent the use or acceptance of the supply or service.

''(C) AGREEMENTS.—To implement the requirements of subsection (a)(5)(C), the Secretary or the Attorney General may enter into 1 or more agreements with the head of another executive agency or with an appropriate official of a non-Federal public or private agency or entity, as may be necessary and proper to carry out the responsibilities of the Secretary and Attorney General under this section.

''(2) MUTUAL SUPPORT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary and the Attorney General are authorized to provide support or assistance, upon the request of a Federal agency or department conducting—

''(i) a mission described in subsection (a)(5)(C);

''(ii) a mission described in section 130i of title 10, United States Code; or

''(iii) a mission described in section 4510 of the Atomic Energy Defense Act (50 U.S.C. 2661).

''(B) REQUIREMENTS.—Any support or assistance provided by the Secretary or the Attorney General shall only be granted—

''(i) for the purpose of fulfilling the roles and responsibilities of the Federal agency or department that made the request for the mission for which the request was made;

''(ii) when exigent circumstances exist;

''(iii) for a specified duration and location;

''(iv) within available resources;

''(v) on a non-reimbursable basis; and

''(vi) in coordination with the Administrator of the Federal Aviation Administration.

''(n) SEMIANNUAL BRIEFINGS AND NOTIFICATIONS.—

''(1) IN GENERAL.—On a semiannual basis beginning 180 days after the date of enactment of the Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act of 2022, the Secretary and the Attorney General shall, respectively, provide a briefing to the appropriate committees of Congress on the activities carried out pursuant to this section.

''(2) REQUIREMENT.—The Secretary and the Attorney General each shall conduct the briefing required under paragraph (1) jointly with the Secretary of Transportation.

''(3) CONTENT.—Each briefing required under paragraph (1) shall include—

''(A) policies, programs, and procedures to mitigate or eliminate impacts of activities carried out pursuant to this section to the national airspace system and other critical infrastructure relating to national transportation;

''(B) a description of—

''(i) each instance in which any action described in subsection (e) has been taken, including any instances that may have resulted in harm, damage, or loss to a person or to private property;

''(ii) the guidance, policies, or procedures established by the Secretary or the Attorney General to address privacy, civil rights, and civil liberties issues implicated by the actions permitted under this section, as well as any changes or subsequent efforts by the Secretary or the Attorney General that would significantly affect privacy, civil rights, or civil liberties;

''(iii) options considered and steps taken by the Secretary or the Attorney General to mitigate any identified impacts to the national airspace system relating to the use of any system or technology, including the minimization of the use of any technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (e)(2); and

''(iv) each instance in which a communication intercepted or acquired during the course of operations of an unmanned aircraft system or unmanned aircraft was—

''(I) held in the possession of the Department or the Department of Justice for more than 180 days; or

''(II) shared with any entity other than the Department or the Department of Justice;

''(C) an explanation of how the Secretary, the Attorney General, and the Secretary of Transportation have—

''(i) informed the public as to the possible use of authorities granted under this section; and

''(ii) engaged with Federal, State, local, Tribal, and territorial law enforcement agencies to implement and use authorities granted under this section;

''(D) an assessment of whether any gaps or insufficiencies remain in laws, regulations, and policies that impede the ability of the Federal Government or State, local, Tribal, and territorial governments and owners or operators of critical infrastructure to counter the threat posed by the malicious use of unmanned aircraft systems and unmanned aircraft;

''(E) an assessment of efforts to integrate unmanned aircraft system threat assessments within National Special Security Event and Special Event Assessment Rating planning and protection efforts;

''(F) recommendations to remedy any gaps or insufficiencies described in subparagraph (D), including recommendations relating to necessary changes in law, regulations, or policies;

''(G) a description of the impact of the authorities granted under this section on—

''(i) lawful operator access to national airspace; and

''(ii) unmanned aircraft systems and unmanned aircraft integration into the national airspace system; and

''(H) a summary from the Secretary of any data and results obtained pursuant to subsection (r), including an assessment of—

''(i) how the details of the incident were obtained; and

''(ii) whether the operation involved a violation of Federal Aviation Administration aviation regulations.

''(4) UNCLASSIFIED FORM.—Each briefing required under paragraph (1) shall be in unclassified form but may be accompanied by an additional classified briefing.

''(5) NOTIFICATION.—

''(A) IN GENERAL.—Not later than 30 days after an authorized department, agency, or owner or operator of an airport or critical infrastructure deploys any new technology to carry out the actions described in subsection (e), the Secretary and the Attorney General shall, respectively or jointly, as appropriate, submit a notification of the deployment to the appropriate committees of Congress.

''(B) CONTENTS.—Each notification submitted pursuant to subparagraph (A) shall include a description of options considered to mitigate any identified impacts to the national airspace system relating to the use of any system or technology, including the minimization of the use of any technology that disrupts the transmission of radio or electronic signals in carrying out the actions described in subsection (e).

''(o) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) vest in the Secretary, the Attorney General, or any State, local, Tribal, or territorial law enforcement agency, authorized under subsection (c) or designated under subsection (d)(2) any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration;

''(2) vest in the Secretary of Transportation, the Administrator of the Federal Aviation Administration, or any State, local, Tribal, or territorial law enforcement agency designated under subsection (d)(2) any authority of the Secretary or the Attorney General;

''(3) vest in the Secretary any authority of the Attorney General;

''(4) vest in the Attorney General any authority of the Secretary; or

''(5) provide a new basis of liability with respect to an officer of a State, local, Tribal, or territorial law enforcement agency designated under subsection (d)(2) or who participates in the protection of a mass gathering identified by the Secretary or Attorney General under subsection (a)(5)(C)(iii)(II), who—

''(A) is acting in the official capacity of the individual as an officer; and

''(B) does not exercise the authority granted to the Secretary and the Attorney General by this section.

''(p) TERMINATION.—

''(1) TERMINATION OF ADDITIONAL LIMITED AUTHORITY FOR DETECTION, IDENTIFICATION, MONITORING, AND TRACKING.—The authority to carry out any action authorized under subsection (c), if performed by a non-Federal entity, shall terminate on the date that is 5 years and 6 months after the date of enactment of the Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act of 2022 and the authority for the pilot program established under subsection (d) shall terminate as provided for in paragraph (3) of that subsection.

''(2) TERMINATION OF AUTHORITIES WITH RESPECT TO COVERED FACILITIES AND ASSETS.—The authority to carry out this section with respect to a covered facility or asset shall terminate on the date that is 7 years after the date of enactment of the Safeguarding the Homeland from the Threats Posed by Unmanned Aircraft Systems Act of 2022.

''(q) SCOPE OF AUTHORITY.—Nothing in this section shall be construed to provide the Secretary or the Attorney General with any additional authority other than the authorities described in subsections (a)(5)(C)(iii), (b), (c), (d), and (f).

''(r) UNITED STATES GOVERNMENT DATABASE.—

''(1) AUTHORIZATION.—The Department is authorized to develop a Federal database to enable the transmission of data concerning security-related incidents in the United States involving unmanned aircraft and unmanned aircraft systems between Federal, State, local, Tribal, and territorial law enforcement agencies for purposes of conducting analyses of such threats in the United States.

''(2) POLICIES, PLANS, AND PROCEDURES.—

''(A) COORDINATION AND CONSULTATION.—Before implementation of the database developed under paragraph (1), the Secretary shall develop policies, plans, and procedures for the implementation of the database—

''(i) in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Transportation (through the Administrator of the Federal Aviation Administration); and

''(ii) in consultation with State, local, Tribal, and territorial law enforcement agency representatives, including representatives of fusion centers.

''(B) REPORTING.—The policies, plans, and procedures developed under subparagraph (A) shall include criteria for Federal, State, local, Tribal, and territorial reporting of unmanned aircraft systems or unmanned aircraft incidents.

''(C) DATA RETENTION.—The policies, plans, and procedures developed under subparagraph (A) shall ensure that data on security-related incidents in the United States involving unmanned aircraft and unmanned aircraft systems that is retained as criminal intelligence information is retained based on the reasonable suspicion standard, as permitted under part 23 of title 28, Code of Federal Regulations.''.

SA 6055. 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 III, add the following:

SEC. 322. ASSURANCE OF INTEGRITY OF OVERSEAS FUEL SUPPLIES.

(a) IN GENERAL.—Before awarding a contract to an offeror for the supply of fuel to any location outside the United States in which the United States is engaged in contingency operations, the Secretary of Defense shall—

(1) ensure, to the maximum extent practicable, that no otherwise responsible offeror is disqualified on the basis of an unsupported denial of access to a facility or equipment by the government of the host country; and

(2) ensure that the offeror complies with the requirements of subsection (b)

(b) REQUIREMENT.—An offeror offering to supply fuel to any location of the Department of Defense outside the United States shall—

(1) certify to the Secretary of Defense that it has not been suspended or debarred from receiving Federal Government contracts;

(2) certify to the Secretary that the provided fuel, in whole or in part, or its derivatives, is not sourced from a country or region prohibited from selling petroleum to the United States, such as Iran or Venezuela;

(3) furnish to the Secretary such records as are necessary to verify compliance with such anti-corruption statutes and regulations as the Secretary determines necessary, including—

(A) the Foreign Corrupt Practices Act of 1977 (Public Law 95–213);

(B) the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations;

(C) the Export Administration Regulations, as defined in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801); and

(D) such regulations as may be prescribed by the Office of Foreign Assets Control of the Department of the Treasury;

(4) disclose to the Secretary any relevant communications between the offeror and relevant individuals, organizations, or governments that directly or indirectly control physical access to the location at which the contract is to be performed; and

(5) disclose to the Secretary any employees of, or consultants to, the offeror that worked for the Department of Defense in any contracting or policymaking position during the 10-year period before the offer.

(c) PROVISION OF FUEL AS A LOGISTICS SERVICE.—Section 880(c)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232, 41 U.S.C. 3701 note) is amended by inserting '', including bulk fuel supply and delivery,'' after ''logistics services''.

(d) REPORT REQUIRED.—Not later than 180 days after the award of a contract exceeding $50,000,000 in value for the supply of fuel to any location outside the United States in which the United States is engaged in contingency operations, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report including—

(1) an assessment of the price per gallon for fuel under the contract along with an assessment of the price per gallon for fuel paid by other organizations in the same country or region of the country; and

(2) an assessment of the ability of the contractor to comply with sanctions with respect to Iran and monitor for violations of those sanctions.

SA 6056. 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 B of title VIII, add the following:

SEC. 829. MODIFICATION OF CONTRACTS AND OPTIONS TO PROVIDE ECONOMIC PRICE ADJUSTMENTS.

(a) AUTHORITY.—Notwithstanding any other provision of law, amounts authorized to be appropriated by this Act for the Department of Defense may be used to modify the terms and conditions of a contract or option, without consideration, to provide an economic price adjustment consistent with sections 16.203–1 and 16.203–2 of the Federal Acquisition Regulation during the relevant period of performance for that contract or option and as specified in section 16.203–3 of the Federal Acquisition Regulation.

(b) GUIDANCE.—Not later than 30 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall issue guidance implementing the authority under this section.

SA 6057. 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:

Subtitle G—Western Hemisphere Partnership

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Western Hemisphere Partnership Act of 2022''.

SEC. 1282. UNITED STATES POLICY IN THE WESTERN HEMISPHERE.

It is the policy of the United States to promote security, stability, economic prosperity, and democratic governance in the Western Hemisphere by—

(1) enhancing the capacity and technical capabilities of partner nation government institutions, including civilian law enforcement, the judiciary, and security forces;

(2) encouraging private sector-led economic growth, respect for property rights, the rule of law, and enforceable investment rules; and

(3) advancing the principles and practices expressed in the Charter of the Organization of American States, the American Declaration on the Rights and Duties of Man, and the Inter-American Democratic Charter.

SEC. 1283. PROMOTING SECURITY AND STABILITY IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should strengthen security cooperation with democratic nations in the Western Hemisphere to promote a secure hemisphere and to address the negative impacts of transnational criminal organizations and malign external state actors.

(b) COLLABORATIVE EFFORTS.—The Secretary of State, in coordination with the Secretary of Defense and the heads of other relevant Federal agencies, may support the improvement of security conditions in the Western Hemisphere through collaborative efforts that—

(1) enhance the institutional capacity and technical capabilities of defense and security institutions in democratic partner nations to conduct national or regional security missions, including through regular bilateral and multilateral engagements, foreign military sales and financing, international military education, and training programs, and other means;

(2) provide technical assistance and material support (including, as appropriate, radars, vessels, and communications equipment) to relevant security forces to disrupt, degrade, and dismantle organizations involved in illicit narcotics trafficking, transnational criminal activities, illicit mining, and illegal, unreported, and unregulated fishing, and other illicit activities;

(3) enhance the institutional capacity and technical capabilities of relevant civilian law enforcement and judicial institutions to strengthen the rule of law, respect of internationally-recognized human rights, and transparent governance and to improve regional cooperation to disrupt, degrade, and dismantle transnational organized criminal networks, terrorist organizations, including training and anticorruption programs and technical solutions and resources;

(4) enhance port management and maritime security partnerships and airport management and aviation security partnerships to disrupt, degrade, and dismantle transnational criminal networks and facilitate the legitimate flow of people, goods, and services;

(5) strengthen cooperation to deter illegal migration across the Western Hemisphere, dismantle human smuggling and trafficking networks, and increase cooperation to demonstrably strengthen migration management systems;

(6) counter the malign influence of state and non-state actors and misinformation and disinformation campaigns;

(7) foster 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; and

(8) foster regional mechanisms for early warning and response to pandemics in the Western Hemisphere, including through—

(A) improved cooperation with and research by the United States Centers for Disease Control and Prevention through regional pandemic response centers;

(B) personnel exchanges for technology transfer and skills development; and

(C) surveying and mapping of health networks to build local health capacity.

(c) LIMITATIONS ON USE OF TECHNOLOGIES.—Operational technologies transferred pursuant to subsection (b) to partner governments for intelligence, defense, or law enforcement purposes should be used solely for the purposes for which the technology was intended. The United States shall take all necessary steps to ensure that the use of such operational technologies is consistent with United States law, including protections of freedom of expression, freedom of movement, and freedom of association.

SEC. 1284. PROMOTING DIGITALIZATION AND CYBERSECURITY IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support digitalization and expand cybersecurity cooperation in the Western Hemisphere to promote economic prosperity and security of the region.

(b) PROMOTION OF DIGITALIZATION AND CYBERSECURITY.—The Secretary of State, in coordination with the heads of other relevant Federal agencies, may promote digitalization and cybersecurity in the Western Hemisphere through collaborative efforts that—

(1) promote connectivity and facilitation for e-commerce by trusted companies through bilateral or multilateral agreements or other relevant memoranda of understanding—

(A) to open market access on a national treatment, nondiscriminatory basis;

(B) to establish understandings and agreements on cybersecurity and appropriate ''rules of the road'' on other cyber issues through cyber diplomacy; and

(C) to help partner countries make their cyber infrastructure more resilient to attacks and easier to restore after an attack;

(2) advance the provision of digitized government services with the greatest likelihood of promoting transparency, lowering business costs, and expanding citizens' access to public services and public information; and

(3) develop robust cybersecurity partnerships—

(A) to share best practices to mitigate the risks to digital infrastructure from—

(i) the inclusion of components and architectures from untrusted providers in digital networks and communications supply chains; and

(ii) the management of architectures by untrusted providers, particularly providers with close ties to, or that are susceptible to pressure from, governments or security services without reliable legal checks on governmental powers;

(B) to effectively respond to cybersecurity threats, including state-sponsored threats; and

(C) to strengthen resilience against cyberattacks and cybercrime.

(c) NOTIFICATION REQUIREMENT.—Any agreement, instrument, or memoranda of understanding, including any accompanying annexes, apendices, and implementation plans, related to efforts undertaken pursuant to subsection (b) should be submitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 30 days after completion of the agreement, instrument, or memoranda.

SEC. 1285. PROMOTING ECONOMIC AND COMMERCIAL PARTNERSHIPS IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should enhance economic and commercial ties with partners in the region to promote a prosperous Western Hemisphere by modernizing and deepening trade and investment frameworks, encouraging market-based economic reforms, and encouraging transparency and adherence to the rule of law in investment dealings.

(b) IN GENERAL.—The Secretary of State, in coordination with the United States Trade Representative, the Chief Executive Officer of the Development Finance Corporation, and other relevant Federal agencies, may support the improvement of economic conditions in the Western Hemisphere through collaborative efforts that—

(1) facilitate a more open, transparent, and competitive environment for United States businesses and promote robust and comprehensive trade capacity-building and trade facilitation by—

(A) reducing trade and nontariff barriers between the countries in the region, establishing a mechanism for pursuing Mutual Recognition Agreements and Formalized Regulatory Cooperation Agreements in priority sectors of the economy;

(B) establishing a forum for discussing and evaluating technical and other assistance needs to help establish streamlined ''single window'' processes to facilitate movement of goods and common customs arrangements and procedures to lower costs of goods in transit and speed to destination;

(C) building relationships and exchanges between relevant regulatory bodies in the United States and democratic countries in the Western Hemisphere to promote best practices and transparency in rulemaking, implementation, and enforcement, and provide training and assistance to help improve supply chain management in the Western Hemisphere;

(D) establishing regional fora for identifying, raising, and addressing supply chain management issues, including infrastructure needs and strengthening of investment rules and regulatory frameworks; and

(E) establishing a dedicated program of trade missions and reverse trade missions to increase commercial contacts and ties between the United States and Western Hemisphere partner countries;

(2) establish frameworks or mechanisms to review the long-term financial sustainability and security implications of foreign investments in strategic sectors or services;

(3) establish competitive and transparent infrastructure project selection and procurement processes that promote transparency, open competition, financial sustainability, and robust adherence to global standards and norms; and

(4) advance robust and comprehensive energy production and integration, including

through a more open, transparent, and competitive environment for United States companies competing in the Western Hemisphere, including by—

(A) facilitating further development of integrated regional energy markets;

(B) improving management of grids, including technical capability to ensure the trustworthiness of electricity providers, carriers, and management and distribution systems;

(C) facilitating private sector-led development of reliable power generation capacity;

(D) establishing a process for surveying grid capacity and management focused on identifying electricity service efficiencies and establishing cooperative mechanisms for providing technical assistance for—

(i) grid management, power pricing, and tariff issues;

(ii) establishing and maintaining appropriate regulatory best practices; and

(iii) proposals to establish regional power grids for the purpose of promoting the sale of excess supply to consumers across borders; and

(E) exploring opportunities to partner with the private sector and multilateral institutions, such as the World Bank and the Inter-American Development Bank, to promote universal access to reliable and affordable electricity in the Western Hemisphere.

SEC. 1286. PROMOTING TRANSPARENCY AND DEMOCRATIC GOVERNANCE IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support efforts to strengthen the capacity of democratic governance institutions and processes in the Western Hemisphere to promote a more transparent, democratic, and prosperous region.

(b) IN GENERAL.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and heads of other relevant Federal agencies, should support strengthening of democratic institutions and promoting transparence in the Western Hemisphere through collaborative efforts that—

(1) strengthen the capacity of national electoral institutions to ensure free, fair, and transparent electoral processes, including through pre-election assessment missions, technical assistance, and independent local and international election monitoring and observation missions;

(2) enhance the capabilities of democratically elected national legislatures, parliamentary bodies, and autonomous regulatory institutions to conduct oversight;

(3) strengthen the capacity of subnational government institutions to govern in a democratic and transparent manner, including through training and technical assistance;

(4) facilitate substantive collaborative dialogue between government, civil society, and the private sector to generate issue-based policies; and

(5) combat corruption at local and national levels, including through trainings, cooperation agreements, and bilateral or multilateral anticorruption mechanisms that strengthen attorneys general and prosecutors offices.

SEC. 1287. WESTERN HEMISPHERE DEFINED.

In this subtitle, the term ''Western Hemisphere'' does not include Cuba, Nicaragua, or Venezuela, except for purposes of section 1286.

SA 6058. 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 XVI, insert the following:

SEC. _____. SHARING CYBER CAPABILITIES AND RELATED INFORMATION WITH FOREIGN OPERATIONAL PARTNERS.

(a) AUTHORIZATION.—Chapter 19 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 398. Sharing cyber capabilities and related information with foreign operational partners

''(a) AUTHORITY TO SHARE CYBER CAPABILITIES.—The Secretary of Defense may, in consultation with the Secretary of State, provide cyber capabilities and related information developed or procured by the Department of Defense to foreign countries or organizations described in subsection (b) without compensation, if the Secretary determines that the provision of such cyber capabilities is primarily for the benefit of the United States.

''(b) FOREIGN COUNTRIES AND ORGANIZATIONS DESCRIBED.—The foreign countries or organizations described in this subsection are the following:

''(1) The defense or security ministry of a member country of the North Atlantic Treaty Organization, the Government of Australia, the Government of Japan, the Government of the Republic of Korea, the Government of Israel, or the Government of New Zealand.

''(2) A subsidiary of the North Atlantic Treaty Organization.

''(3) The defense or security ministry of a country other than a country described in paragraph (1), if the Secretary determines that sharing capabilities under subsection (a) with such defense or security ministry is in the national security interest of the United States.

''(c) PROCEDURES.—(1) Prior to the first use of the authority provided by subsection (a), the Secretary of Defense shall establish and submit to the appropriate committees of Congress procedures for a coordination process for subseciton (a) that is consistent with the operational timelines required to support the national security of the United States.

''(2) The Secretary shall promptly notify the appropriate committees of Congress in writing of any changes to the procedures established under paragraph (1) at least 14 days prior to the adoption of any such changes.

''(d) NOTIFICATION REQUIRED.—(1) The Secretary of Defense shall promptly submit to the appropriate committees of Congress notice in writing of any use of the authority provided by subsection (a) no later than 48 hours following the use of the authority.

''(2) Notification under paragraph (1) shall include a certification that the provision of the cyber capabilities was primarily for the benefit of the United States.

''(e) DEFINITIONS.—In this section:

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

''(A) the congressional defense committees;

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

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

''(2) The term 'cyber capability' means a device or computer program, including any combination of software, firmware, or hardware, designed to create an effect in or through cyberspace.''.

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

''398. Sharing cyber capabilities and related information with foreign operational partners.''.

SA 6059. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. AUDIT OF CERTAIN MILITARY HOUSING CONDITIONS IN KEY WEST, FLORIDA.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall commence the conduct of an audit to assess—

(1) the conditions of housing units at Naval Air Station Key West Sigsbee Park Annex;

(2) the percentage of those units that are considered unsafe or unhealthy housing units;

(3) the process used to report housing concerns relating to those units;

(4) the extent to which individuals who experience unsafe or unhealthy housing units at Naval Air Station Key West Sigsbee Park Annex incur relocation, per diem, or similar expenses as a direct result of displacement that are not covered by a landlord, insurance, or claims process and the feasibility of providing reimbursement for uncovered expenses; and

(5) what is needed to provide appropriate and safe living quarters for members of the Armed Forces and their families in Key West, Florida.

(b) REPORT.—Not later than 90 days after the commencement of the audit under subsection (a), the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the audit.

(c) DEFINITIONS.—In this section:

(1) PRIVATIZED MILITARY HOUSING.—The term ''privatized military housing'' means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(2) UNSAFE OR UNHEALTHY HOUSING UNIT.—The term ''unsafe or unhealthy housing unit'' means a unit of privatized military housing in which is present, at levels exceeding national standards or guidelines, at least one of the following hazards:

(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.

(ii) Lead-based paint.

(iii) Asbestos or manmade fibers.

(iv) Ionizing radiation.

(v) Biocides.

(vi) Carbon monoxide.

(vii) Volatile organic compounds.

(viii) Infectious agents.

(ix) Fine particulate matter.

(B) Psychological hazards, including the following:

(i) Ease of access by unlawful intruders.

(ii) Lighting issues.

(iii) Poor ventilation.

(iv) Safety hazards.

(v) Other hazards similar to the hazards specified in clauses (i) through (iv).

SA 6060. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. INDEPENDENT REVIEW COMMITTEE ON PREVENTABLE DEATHS AT MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) IN GENERAL.—There is established within the Department of Defense an independent review committee (in this section referred to as the ''Committee'') to review recent deaths among members of the Armed Forces at military installations in the United States.

(b) MEMBERS.—

(1) IN GENERAL.—The Secretary of Defense shall select members of the Committee from among individuals who have experience in the Armed Forces (whether on active duty, in the reserve components, or at a military service academy) and are not currently employed by the Federal Government.

(2) EXPERTISE.—In selecting members of the Committee under paragraph (1), the Secretary shall ensure that each such member has a background in law enforcement, military or criminal investigations, or military or criminal legal proceedings.

(c) DUTIES.—

(1) REVIEW.—The Committee shall carry out a review of whether the relevant commands and units at military installations in the United States were operating within the spirit of applicable policies of the Department of Defense and the applicable military department for post-traumatic stress disorder, suicides, substance use disorders, and investigations of deaths, with a focus on overdose deaths and fentanyl.

(2) ELEMENTS.—The review carried out under paragraph (1) shall include the following:

(A) An assessment of the staffing level, training, education, and ability of leaders at all levels to receive and respond to substance use disorder, post-traumatic stress disorder, suicide, and death at military installations in the United States.

(B) An assessment of the climate and culture regarding self-reporting for members of the Armed Forces at military installations in the United States to determine stigmas and ways to avoid those stigmas to ensure such members get the care they need without fear of negative impact on their career.

(C) An assessment of the impact of substance use on the readiness of such members at military installations in the United States.

(D) An assessment of whether or not proper execution of the requirements under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), has been carried out in cases involved substance abuse and potential drug related deaths.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Committee shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the Committee.

(e) MILITARY SERVICE ACADEMY DEFINED.—In this section, the term ''military service academy'' means the following:

(1) The United States Military Academy, West Point, New York.

(2) The United States Naval Academy, Annapolis, Maryland.

(3) The United States Air Force Academy, Colorado Springs, Colorado.

(4) The United States Coast Guard Academy, New London, Connecticut.

(5) The United States Merchant Marine Academy, Kings Point, New York.

SA 6061. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 730. TRAINING FOR MEDICAL PROFESSIONALS ON USE OF INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.

Beginning on October 1, 2023, the Secretary of Defense shall provide mandatory training not less frequently than annually to primary care providers and relevant specialty care providers of the Department of Defense, as determined by the Director of the Defense Health Agency, on how to use the Individual Longitudinal Exposure Record and when it would be appropriate to consult such record given patient symptoms and history.

SA 6062. 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 appropriate place in title X, insert the following:

SEC. _____. IMPROVING PROCESSING BY DEPARTMENT OF VETERANS AFFAIRS OF DISABILITY CLAIMS FOR POST-TRAUMATIC STRESS DISORDER.

(a) TRAINING FOR CLAIMS PROCESSORS WHO HANDLE CLAIMS RELATING TO POST-TRAUMATIC STRESS DISORDER.—

(1) UPDATE TRAINING PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, acting through the Under Secretary for Benefits, update an ongoing, national training program for claims processors who review claims for compensation for service-connected post-traumatic stress disorder.

(2) PARTICIPATION REQUIRED.—Beginning on the date that is 180 days after the date of the enactment of this Act, the Secretary shall require that each claims processor described in paragraph (1) participates in the training established under paragraph (1) at least once each year beginning in the second year in which the claims processor carries out the duties of the claims processor for the Department.

(3) REQUIRED ELEMENTS.—The training established under paragraph (1) shall include instruction on stressor development and verification.

(b) STANDARDIZATION OF TRAINING AT REGIONAL OFFICES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Under Secretary, shall standardize the training provided at regional offices of the Veterans Benefits Administration to the employees of such regional offices.

(c) FORMAL PROCESS FOR CONDUCT OF ANNUAL ANALYSIS OF TRENDS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Under Secretary, shall establish a formal process to analyze, on an annual basis, training needs based on identified processing error trends.

(d) FORMAL PROCESS FOR CONDUCT OF ANNUAL STUDIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Under Secretary, shall establish a formal process to conduct, on an annual basis, studies to help guide the national training program established under subsection (a)(1).

(2) ELEMENTS.—Each study conducted under paragraph (1) shall cover the following:

(A) Military post-traumatic stress disorder stressors.

(B) Decisionmaking claims for claims processors.

(e) ANNUAL UPDATES TO POST-TRAUMATIC STRESS DISORDER PROCEDURAL GUIDANCE.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary, acting through the Under Secretary, shall evaluate the guidance relating to post traumatic stress disorder to determine if updates are warranted to provide claims processors of the Department with better resources regarding best practices for claims processing, including specific guidance regarding development of claims involving compensation for service-connected posttraumatic stress disorder.

SA 6063. 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 D of title VI, add the following:

SEC. 632. LIMITATIONS ON SALE AND USE OF PORTABLE HEATING DEVICES ON MILITARY INSTALLATIONS.

(a) APPROVAL REQUIRED FOR USE OF PORTABLE HEATING DEVICES ON MILITARY INSTALLATIONS.—A portable heating device may not be used in any facility on a military installation (other than in military housing) without the approval of the commander of the military installation.

(b) PROHIBITION ON SALE OF UNSAFE PORTABLE HEATING DEVICES AT COMMISSARY STORES AND MWR RETAIL FACILITIES.—The Secretary of Defense shall ensure that portable heating devices that do not comply with

applicable voluntary consumer product safety standards are not sold at a commissary store or MWR retail facility.

(c) EDUCATION FOR FAMILIES LIVING IN MILITARY HOUSING.—The commander of a military installation shall ensure that members of the Armed Forces assigned to that installation and living in military family housing, including military family housing acquired or constructed pursuant to subchapter IV of chapter 169 of title 10, United States Code, are provided with the recommendations of the Consumer Product Safety Commission for operating portable heating devices safely.

(d) DEFINITIONS.—In this section:

(1) MWR RETAIL FACILITY.—The term ''MWR retail facility'' has the meaning given that term in section 1063 of title 10, United States Code.

(2) PORTABLE HEATING DEVICE.—The term ''portable heating device'' means an electric heater that—

(A) is intended to stand unsupported (freestanding);

(B) can be moved from place to place within conditioned areas in a structure;

(C) is connected to a nominal 120 VAC electric supply through a cord and plug;

(D) transfers heat by radiation, convection, or both (either natural or forced); and

(E) is intended for residential use.

SA 6064. 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 in title VI, insert the following:

Subtitle ____—Arbitration Rights of Members of the Armed Forces and Veterans

SEC. 6____. SHORT TITLE.

This subtitle may be cited as the ''Justice for Servicemembers Act of 2022''.

SEC. 6____. PURPOSES.

The purposes of this subtitle are—

(1) to prohibit predispute arbitration agreements that force arbitration of disputes arising from claims brought under chapter 43 of title 38, United States Code, or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.); and

(2) to prohibit agreements and practices that interfere with the right of persons to participate in a joint, class, or collective action related to disputes arising from claims brought under the provisions of the laws described in paragraph (1).

SEC. 6____. ARBITRATION OF DISPUTES INVOLVING THE RIGHTS OF SERVICEMEMBERS AND VETERANS.

(a) IN GENERAL.—Title 9, United States Code, is amended by adding at the end the following:

''CHAPTER 5—ARBITRATION OF SERVICEMEMBER AND VETERAN DISPUTES

''Sec.
''501. Definitions.
''502. No validity or enforceability.

''§ 501. Definitions

''In this chapter:

''(1) PREDISPUTE ARBITRATION AGREEMENT.—The term 'predispute arbitration agreement' means an agreement to arbitrate a dispute that has not yet arisen at the time of the making of the agreement.

''(2) PREDISPUTE JOINT-ACTION WAIVER.—The term 'predispute joint-action waiver' means an agreement, whether or not part of a predispute arbitration agreement, that would prohibit, or waive the right of, one of the parties to the agreement to participate in a joint, class, or collective action in a judicial, arbitral, administrative, or other forum, concerning a dispute that has not yet arisen at the time of the making of the agreement.

''§ 502. No validity or enforceability

''(a) IN GENERAL.—Notwithstanding any other provision of this title, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a dispute relating to disputes arising under chapter 43 of title 38 or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

''(b) APPLICABILITY.—

''(1) IN GENERAL.—An issue as to whether this chapter applies with respect to a dispute shall be determined under Federal law. The applicability of this chapter to an agreement to arbitrate and the validity and enforceability of an agreement to which this chapter applies shall be determined by a court, rather than an arbitrator, irrespective of whether the party resisting arbitration challenges the arbitration agreement specifically or in conjunction with other terms of the contract containing such agreement, and irrespective of whether the agreement purports to delegate such determinations to an arbitrator.

''(2) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this chapter shall apply to any arbitration provision in a contract between an employer and a labor organization or between labor organizations, except that no such arbitration provision shall have the effect of waiving the right of a worker to seek judicial enforcement of a right arising under a provision of the Constitution of the United States, a State constitution, or a Federal or State statute, or public policy arising therefrom.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 9, United States Code, is amended—

(A) in section 1 by striking ''of seamen,'' and all that follows through ''interstate commerce'' and inserting ''persons and causes of action under chapter 43 of title 38 or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)'';

(B) in section 2, by inserting ''or 5'' before the period at the end;

(C) in section 208, in the second sentence, by inserting ''or 5'' before the period at the end; and

(D) in section 307, in the second sentence, by inserting ''or 5'' before the period at the end.

(2) TABLE OF CHAPTERS.—The table of chapters of title 9, United States Code, is amended by adding at the end the following:

''5. Arbitration of servicemember and veteran disputes ..... 501''.

SEC. 6____. LIMITATION ON WAIVER OF RIGHTS AND PROTECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

(a) AMENDMENTS.—Section 107(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3918(a)) is amended—

(1) in the second sentence, by inserting ''and if it is made after a specific dispute has arisen and the dispute is identified in the waiver'' before the period at the end; and

(2) in the third sentence by inserting ''and if it is made after a specific dispute has arisen and the dispute is identified in the waiver'' before the period at the end.

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to waivers made on or after the date of the enactment of this Act.

SEC. 6____. APPLICABILITY.

This subtitle, and the amendments made by this subtitle, shall apply with respect to any dispute or claim that arises or accrues on or after the date of the enactment of this Act.

SA 6065. Mr. BLUMENTHAL (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 C of title XII, add the following:

SEC. 1239. DESIGNATION OF THE RUSSIA FEDERATION AS A STATE SPONSOR OF TERRORISM.

(a) SHORT TITLE.—This section may be cited as the ''Russia is a State Sponsor of Terrorism Act''.

(b) FINDINGS.—Congress finds the following:

(1) United States law authorizes the designation of countries that have repeatedly provided support for acts of international terrorism as state sponsors of terrorism.

(2) Cuba, the Democratic People's Republic of Korea, Iran, and Syria have been designated as state sponsors of terrorism.

(3) At the direction of President Vladimir Putin, the Government of the Russian Federation has promoted, and continues to promote, acts of international terrorism against political opponents and nation states.

(4) Under the orders of President Putin, the Government of the Russian Federation engaged in a campaign of terror that utilized brutal force to target its civilians during the Second Chechen War.

(5) Actions by the Government of the Russian Federation against civilian centers, such as Grozny (the capital of Chechnya), left countless innocent men, women, and children dead or wounded.

(6) Since 2014, the Government of the Russian Federation—

(A) has supported separatists engaging in acts of violence against Ukrainian civilians in the Donbas region; and

(B) has detained United States citizens as hostages.

(7) The Government of the Russian Federation provides material support to Syria, a nation currently designated as a state sponsor of terrorism.

(8) According to the Congressional Research Service, the Russian Federation spreads terror throughout the world through private military networks of mercenaries, such as the Wagner Group, in an effort to ''project power cheaply and deniably''.

(9) The Wagner Group collaborates with the Ministry of Defense of the Russian Federation to support the foreign policy objectives of the Russian Federation.

(10) The Department of the Treasury—

(A) has identified the Wagner Group as ''a designated Russian Ministry of Defense proxy force''; and

(B) has stated that ''Wagner's activities in other countries, including Ukraine, Syria, Sudan, and Libya, have generated insecurity and incited violence against innocent civilians''.

(11) In February 2022, more than 400 Russian mercenaries from the Wagner Group were dispatched to Kyiv with orders from the Kremlin to assassinate President Volodymyr Zelenskyy and members of the Government of Ukraine.

(12) On March 1, 2022, Jason Blazakis, former Director of the Counterterrorism Finance and Designations Office, Bureau of Counterterrorism, Department of State, wrote in reference to white supremacist groups that ''Russia provides sanctuary to a U.S.-designated terrorist group, the Russian Imperial Movement, which operates with impunity in Russian territory.''.

(13) On March 17, 2022, President Volodymyr Zelensky called for the world to acknowledge the Russian Federation as a terrorist state.

(14) The Verkhovna Rada of Ukraine has appealed to Congress to encourage the Department of State to recognize the Russian Federation as a state sponsor of terrorism, noting that ''the Russian Federation has for years supported and financed terrorist regimes and terrorist organizations, including being the main supplier of weapons to the Assad regime in Syria and supporting terrorists in the Middle East and Latin America, organizing acts of international terrorism, including the poisoning of the Skripal family in the United Kingdom of Great Britain and Northern Ireland, the downing of a civilian Malaysian airliner and other acts of terrorism''.

(15) On May 24, 2022, Ukrainian prosecutors accused 2 Wagner Group mercenaries of committing war crimes against civilians near Kyiv.

(16) On July 18, 2022, the United Kingdom's Ministry of Defence confirmed that the Wagner Group plays a central role in recent fighting in Ukraine, including Russia's capture of Popasna and Lysyschansk.

(17) The United States has a range of tools available to hold the Russian Federation accountable, reduce its war machine, and isolate it economically and diplomatically, including by designating it as a state sponsor of terrorism and imposing corresponding sanctions.

(c) DESIGNATION OF THE RUSSIAN FEDERATION AS A STATE SPONSOR OF TERRORISM.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act, the Russian Federation shall be deemed to have repeatedly provided support for acts of international terrorism and shall be designated as a state sponsor of terrorism pursuant to—

(A) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A)(i));

(B) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(C) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); and

(D) any other relevant provision of law.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1605A(h)(6) of title 28, United States Code, is amended—

(A) by inserting ''Congress or'' before ''the Secretary of State''; and

(B) by striking ''section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)),''.

(d) WAIVER.—The President may remove the designation required under subsection (c)(1) on the date that is 30 days after the date on which the President certifies to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the majority leader and minority leader of the Senate, and the Speaker, majority leader, and minority leader of the House of Representatives that—

(1) the Russian Federation is no longer supporting acts of international terrorism; and

(2) removing such designation is in the national security interests of the United States.

SA 6066. 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. TREATMENT FOR SEVERELY WOUNDED UKRAINIAN SOLDIERS.

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

(1) the treatment and rehabilitation of severely wounded Ukrainian soldiers is of paramount importance to the United States and Ukraine as Ukraine continues to valiantly repulse an unprovoked invasion of its sovereignty by the Russian Federation;

(2) the Senate applauds efforts by the Secretary of Defense to provide treatment in medical facilities of the United States Armed Forces through the Secretarial Designee Program; and

(3) the Senate encourages the Secretary to continue working with defense officials of Ukraine, and as necessary with other governmental and private sources, to fund transportation, lodging, meals, caretakers, and any other nonmedical expenses necessary in connection with treatment for severely wounded Ukrainian soldiers.

(b) ROLE OF THE EXTREMITY TRAUMA AND AMPUTATION CENTER OF EXCELLENCE IN MITIGATING, TREATING, AND REHABILITATING TRAUMATIC EXTREMITY INJURIES IN UKRAINE.—

(1) RESPONSIBILITIES.—The Extremity Trauma and Amputation Center of Excellence shall have the following responsibilities:

(A) Not later than 180 days after the date of the enactment of this Act, to develop a comprehensive plan and strategy for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations in Ukraine.

(B) To identify scientific research aimed at saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities. Such research shall address the current needs of Ukraine, specifically military medical needs, and the full range of scientific inquiry encompassing basic, translational, and clinical research.

(C) To carry out such other activities to improve and enhance the efforts of the Government of Ukraine for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations as the Director of the Extremity Trauma and Amputation Center of Excellence considers appropriate.

(D) To develop and implement jointly with partners, including the Government of Ukraine, a one-year pilot program to implement the comprehensive plan and strategy developed under subparagraph (A).

(2) PARTNERSHIPS.—In carrying out the responsibilities under paragraph (1), the Extremity Trauma and Amputation Center of Excellence shall partner and consult with relevant government agencies, institutions of higher education, and any other appropriate public and private entities, including international entities.

(3) REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for two years, the Director of the Extremity Trauma and Amputation Center of Excellence shall submit to Congress a report on the implementation of this subsection.

(B) ELEMENTS.—

(i) INITIAL REPORT.— The initial report required by subparagraph (A) shall include a description of the implementation requirements of the pilot program described in paragraph (1)(D).

(ii) SUBSEQUENT REPORTS.—Each subsequent report shall include, for the one-year period ending on the date of submission of the report—

(I) a description and assessment of the activities of the pilot program under paragraph (1)(D);

(II) an assessment of the role of the Extremity Trauma and Amputation Center of Excellence and partners with respect to the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations in Ukraine; and

(III) any recommendation with respect to the extension of such pilot program.

(4) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts appropriated by the Ukraine Supplemental Appropriations Act, 2022 (division N of Public Law 117–103; 136 Stat. 776) and the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117–128; 136 Stat. 1211), $1,500,000 shall be made available to carry out this subsection.

(c) ROLE OF THE TRAUMATIC BRAIN INJURY CENTER OF EXCELLENCE IN IMPROVING TREATMENT FOR ADULT AND PEDIATRIC TRAUMATIC BRAIN INJURIES IN UKRAINE.—

(1) RESPONSIBILITIES.—The Traumatic Brain Injury Center of Excellence shall have the following responsibilities:

(A) Not later than 180 days after the date of the enactment of this Act, to develop a comprehensive plan and strategy for the development of an interactive quality assessment and quality assurance clinical decision support tool to provide real-time, evidence-based medical care guidance for adult and pediatric intensive-care unit patients with severe traumatic brain injury in Ukraine.

(B) To develop such a clinical decision support tool.

(C) To identify scientific research aimed at increasing compliance with internationally approved, evidence-based treatment guidelines for severe adult and pediatric traumatic brain injury so as to reduce patient mortality, improve patient level of recovery, and reduce long-term care costs in Ukraine.

(D) To carry out such other activities to improve and enhance the efforts of the Government of Ukraine for the treatment of severe adult and pediatric traumatic brain injury as the Director of the Traumatic Brain Injury Center of Excellence considers appropriate.

(E) To develop and implement jointly with partners, including the Government of Ukraine, a one-year pilot program to implement the comprehensive plan and strategy developed under subparagraph (A).

(2) PARTNERSHIPS.—In carrying out the responsibilities under paragraph (1), the Traumatic Brain Injury Center of Excellence shall partner and consult with relevant government agencies, institutions of higher education, and other appropriate public and private entities, including international entities.

(3) REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for two years, the Director of the Traumatic Brain Injury Center of Excellence shall submit to Congress a

report on the implementation of this subsection.

(B) ELEMENTS.—

(i) INITIAL REPORT.— The initial report required by subparagraph (A) shall include a description of the implementation requirements of the pilot program described in paragraph (1)(E).

(ii) SUBSEQUENT REPORTS.—Each subsequent report shall include, for the one-year period ending on the date of submission of the report—

(I) a description and assessment of the activities of the pilot program under paragraph (1)(E);

(II) an assessment of the role of the Traumatic Brain Injury Center of Excellence and partners with respect to improving internationally approved, evidence-based treatment guidelines for severe adult and pediatric traumatic brain injury so as to reduce patient mortality, improve patient level of recovery, and reduce long-term care costs in Ukraine; and

(III) any recommendation with respect to the extension of such pilot program.

(4) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts appropriated by the Ukraine Supplemental Appropriations Act, 2022 (division N of Public Law 117–103; 136 Stat. 776) and the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117–128; 136 Stat. 1211), $1,500,000 shall be made available to carry out this subsection.

SA 6067. 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:

TITLE _____—UNLOCKING CAPITAL FOR SMALL BUSINESSES

SEC. _____01. SHORT TITLE.

This title may be cited as the ''Unlocking Capital for Small Businesses Act of 2022''.

SEC. _____02. SAFE HARBORS FOR PRIVATE PLACEMENT BROKERS AND FINDERS.

(a) IN GENERAL.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following:

''(p) PRIVATE PLACEMENT BROKER SAFE HARBOR.—

''(1) REGISTRATION REQUIREMENTS.—Not later than 270 days after the date of the enactment of this subsection the Commission shall promulgate regulations with respect to private placement brokers that are no more stringent than those imposed on funding portals. Not later than 270 days after the publication of the proposed regulations in the Federal Register, the Commission shall promulgate final rules.

''(2) NATIONAL SECURITIES ASSOCIATIONS.—Not later than 270 days after the date of the enactment of this subsection the Commission shall promulgate regulations that require the rules of any national securities association to allow a private placement broker to become a member of such national securities association subject to reduced membership requirements consistent with this subsection. Not later than 270 days after the publication of the proposed regulations in the Federal Register, the Commission shall promulgate final rules.

''(3) DISCLOSURES REQUIRED.—Before the consummation of a transaction effecting a private placement, a private placement broker shall disclose clearly and conspicuously, in writing, to all parties to the transaction as a result of the broker's activities—

''(A) that the broker is acting as a private placement broker;

''(B) the amount of any compensation or anticipated compensation for services rendered as a private placement broker in connection with such transaction;

''(C) the person to whom any such compensation is made; and

''(D) any beneficial interest in the issuer, direct or indirect, of the private placement broker, of a member of the immediate family of the private placement broker, of an associated person of the private placement broker, or of a member of the immediate family of such associated person.

''(4) PRIVATE PLACEMENT BROKER DEFINED.—In this subsection, the term 'private placement broker' means a person that—

''(A) receives transaction-based compensation—

''(i) for effecting a transaction by—

''(I) introducing an issuer of securities and a buyer of such securities in connection with the sale of a business effected as the sale of securities; or

''(II) introducing an issuer of securities and a buyer of such securities in connection with the placement of securities in transactions that are exempt from registration requirements under the Securities Act of 1933; and

''(ii) that is not with respect to—

''(I) a class of publicly traded securities;

''(II) the securities of an investment company (as defined in section 3 of the Investment Company Act of 1940); or

''(III) a variable or equity-indexed annuity or other variable or equity-indexed life insurance product;

''(B) with respect to a transaction for which such transaction-based compensation is received—

''(i) does not handle or take possession of the funds or securities; and

''(ii) does not engage in an activity that requires registration as an investment adviser under State or Federal law; and

''(C) is not a finder as defined under subsection (q).

''(q) FINDER SAFE HARBOR.—

''(1) NONREGISTRATION.—A finder is exempt from the registration requirements of this Act.

''(2) NATIONAL SECURITIES ASSOCIATIONS.—A finder shall not be required to become a member of any national securities association.

''(3) FINDER DEFINED.—In this subsection, the term 'finder' means a person described in paragraphs (A) and (B) of subsection (p)(4) that—

''(A) receives transaction-based compensation of equal to or less than $500,000 in any calendar year;

''(B) receives transaction-based compensation in connection with transactions that result in a single issuer selling securities valued at equal to or less than $15,000,000 in any calendar year;

''(C) receives transaction-based compensation in connection with transactions that result in any combination of issuers selling securities valued at equal to or less than $30,000,000 in any calendar year; or

''(D) receives transaction-based compensation in connection with fewer than 16 transactions that are not part of the same offering or are otherwise unrelated in any calendar year.

''(4) ADJUSTMENT FOR INFLATION.—The amounts described in paragraph (3) shall be increased each year by an amount equal to the percentage increase, if any, in the Consumer Price Index, as determined by the Department of Labor or its successor.''.

(b) VALIDITY OF CONTRACTS WITH REGISTERED PRIVATE PLACEMENT BROKERS AND FINDERS.—Section 29 of the Securities Exchange Act (15 U.S.C. 78cc) is amended by adding at the end the following:

''(d) Subsection (b) shall not apply to a contract made for a transaction if—

''(1) the transaction is one in which the issuer engaged the services of a broker or dealer that is not registered under this Act with respect to such transaction;

''(2) such issuer received a self-certification from such broker or dealer certifying that such broker or dealer is a registered private placement broker under section 15(p) or a finder under section 15(q); and

''(3) the issuer either did not know that such self-certification was false or did not have a reasonable basis to believe that such self-certification was false.''.

(c) REMOVAL OF PRIVATE PLACEMENT BROKERS FROM DEFINITIONS OF BROKER.—

(1) RECORDS AND REPORTS ON MONETARY INSTRUMENTS TRANSACTIONS.—Section 5312 of title 31, United States Code, is amended in subsection (a)(2)(G) by inserting ''with the exception of a private placement broker as defined in section 15(p)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(p)(4))'' before the semicolon at the end.

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)) is amended by adding at the end the following:

''(G) PRIVATE PLACEMENT BROKERS.—A private placement broker as defined in section 15(p)(4) is not a broker for the purposes of this Act.''.

SEC. _____03. LIMITATIONS ON STATE LAW.

Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) PRIVATE PLACEMENT BROKERS AND FINDERS.—

''(A) IN GENERAL.—No State or political subdivision thereof may enforce any law, rule, regulation, or other administrative action that imposes greater registration, audit, financial recordkeeping, or reporting requirements on a private placement broker or finder than those that are required under subsections (p) and (q), respectively.

''(B) DEFINITION OF STATE.—For purposes of this paragraph, the term 'State' includes the District of Columbia and each territory of the United States.''.

SA 6068. 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:

TITLE _____—FAIR ACCESS TO BANKING

SEC. _____01. SHORT TITLE.

This title may be cited as the ''Fair Access to Banking Act''.

SEC. _____02. FINDINGS.

Congress finds that—

(1) article I of the Constitution of the United States guarantees the people of the United States the right to enact public policy through the free and fair election of representatives and through the actions of State legislatures and Congress;

(2) banks rightly objected to the Operation Choke Point initiative through which certain government agencies pressured banks to cut off access to financial services to lawful sectors of the economy;

(3) banks are now, however, increasingly employing subjective, category-based evaluations to deny certain persons access to financial services in response to pressure from advocates from across the political spectrum whose policy objectives are served when banks deny certain customers access to financial services;

(4) the privatization of the discriminatory practices underlying Operation Choke Point by banks represents as great a threat to the national economy, national security, and the soundness of banking and financial markets in the United States as Operation Choke Point itself;

(5) banks are supported by the United States taxpayers and enjoy significant privileges in the financial system of the United States and should not be permitted to act as de facto regulators or unelected legislators by withholding financial services to otherwise credit worthy businesses based on subjective political reasons, bias or prejudices;

(6) banks are not well-equipped to balance risks unrelated to financial exposures and the operations required to deliver financial services;

(7) the United States taxpayers came to the aid for large banks during the great recession of 2008 because they were deemed too important to the national economy to be permitted to fail;

(8) when a bank predicates the access to financial services of a person on factors or information (such as the lawful products a customer manufactures or sells or the services the customer provides) other than quantitative, impartial risk-based standards, the bank has failed to act consistent with basic principles of sound risk management and failed to provide fair access to financial services;

(9) banks have a responsibility to make decisions about whether to provide a person with financial services on the basis of impartial criteria free from prejudice or favoritism;

(10) while fair access to financial services does not obligate a bank to offer any particular financial service to the public, or to operate in any particular geographic area, or to provide a service the bank offers to any particular person, it is necessary that—

(A) the financial services a bank chooses to offer in the geographic areas in which the bank operates be made available to all customers based on the quantitative, impartial risk-based standards of the bank, and not based on whether the customer is in a particular category of customers;

(B) banks assess the risks posed by individual customers on a case-by-case basis, rather than category-based assessment; and

(C) banks implement controls to manage relationships commensurate with these risks associated with each customer, not a strategy of total avoidance of particular industries or categories of customers;

(11) banks are free to provide or deny financial services to any individual customer, but first, the banks must rely on empirical data that are evaluated consistent with the established, impartial risk-management standards of the bank; and

(12) anything less is not prudent risk management and may result in unsafe or unsound practices, denial of fair access to financial services, cancelling, or eliminating certain businesses in society, and have a deleterious effect on national security and the national economy.

SEC. _____03. PURPOSE.

The purposes of this title are to—

(1) ensure fair access to financial services and fair treatment of customers by financial service providers, including national and state banks, Federal savings associations and State and Federal credit unions;

(2) ensure banks conduct themselves in a safe and sound manner, comply with laws and regulations, treat their customers fairly, and provide fair access to financial services;

(3) protect against banks being able to impede otherwise lawful commerce and thereby achieve certain public policy goals;

(4) ensure that persons involved in politically unpopular businesses but that are lawful under Federal law receive fair access to financial services under the law; and

(5) ensure banks operate in a safe and sound manner by making judgments and decisions about whether to provide a customer with financial services on an impartial, individualized risk-based analysis using empirical data evaluated under quantifiable standards.

SEC. _____04. ADVANCES TO INDIVIDUAL MEMBER BANKS.

(a) MEMBER BANKS.—Section 10B of the Federal Reserve Act (12 U.S.C. 347b) is amended by adding at the end the following:

''(c) PROHIBITION ON USE OF DISCOUNT WINDOW LENDING PROGRAMS.—No member bank with more than $10,000,000,000 in total consolidated assets, or subsidiary of the member bank, may use a discount window lending program if the member bank or subsidiary refuses to do business with any person who is in compliance with the law, including section _____08 of the Fair Access to Banking Act.''.

(b) INSURED DEPOSITORY INSTITUTIONS.—Section 8(a)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)(2)(A)) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by striking the comma at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iv) an insured depository institution with more than $10,000,000,000 in total consolidated assets, or subsidiary of the insured depository institution, that refuses to do business with any person who is in compliance with the law, including section _____08 of the Fair Access to Banking Act.''.

(c) NONMEMBER BANKS, TRUST COMPANIES, AND OTHER DEPOSITORY INSTITUTIONS.—Section 13 of the Federal Reserve Act (12 U.S.C. 342) is amended by inserting ''Provided further, That no such nonmember bank or trust company or other depository institution with more than $10,000,000,000 in total consolidated assets, or subsidiary of such nonmember bank or trust company or other depository institution, may refuse to do business with any person who is in compliance with the law, including , including section _____08 of the Fair Access to Banking Act:'' after ''appropriate:''.

SEC. _____05. PAYMENT CARD NETWORK.

(a) DEFINITION.—In this section, the term ''payment card network'' has the meaning given the term in section 921(c) of the Electronic Fund Transfer Act (15 U.S.C. 1693o–2(c)).

(b) PROHIBITION.—No payment card network, including a subsidiary of a payment card network, may, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, prohibit or inhibit the ability of any person who is in compliance with the law, including section _____08 of this title, to obtain access to services or products of the payment card network because of political or reputational risk considerations.

(c) CIVIL PENALTY.—Any payment card network that violates subsection (b) shall be assessed a civil penalty by the Comptroller of the Currency of not more than 10 percent of the value of the services or products described in that subsection, not to exceed $10,000 per violation.

SEC. _____06. CREDIT UNIONS.

Section 206(b)(1) of the Federal Credit Union Act (12 U.S.C. 1786) is amended by inserting ''or is refusing or has refused, or has a subsidiary that is refusing or has refused, to do business with any person who is in compliance with the law, including section _____08 of the Fair Access to Banking Act,'' after ''as an insured credit union,''.

SEC. _____07. USE OF AUTOMATED CLEARING HOUSE NETWORK.

(a) DEFINITIONS.—In this section:

(1) COVERED CREDIT UNION.—The term ''covered credit union'' means—

(A) any insured credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752); or

(B) any credit union that is eligible to make application to become an insured credit union under section 201 of the Federal Credit Union Act (12 U.S.C. 1781).

(2) MEMBER BANK.—The term ''member bank'' has the meaning given the term in the third undesignated paragraph of the first section of the Federal Reserve Act (12 U.S.C. 221).

(b) PROHIBITION.—No covered credit union, member bank, or State-chartered non-member bank with more than $10,000,000,000 in total consolidated assets, or a subsidiary of the covered credit union, member bank, or State-chartered non-member bank, may use the Automated Clearing House Network if that member bank, credit union, or subsidiary of the member bank or credit union, refuses to do business with any person who is in compliance with the law, including section _____08 of this title.

SEC. _____08. FAIR ACCESS TO FINANCIAL SERVICES.

(a) DEFINITIONS.—In this section:

(1) BANK.—The term ''bank''—

(A) means an entity for 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); and

(B) includes—

(i) member banks;

(ii) non-member banks;

(iii) covered credit unions;

(iv) State-chartered non-member banks; and

(v) trust companies.

(2) COVERED BANK.—

(A) IN GENERAL.—The term ''covered bank'' means a bank that has the ability to—

(i) raise the price a person has to pay to obtain an offered financial service from the bank or from a competitor; or

(ii) significantly impede a person, or the business activities of a person, in favor of or to the advantage of another person.

(B) PRESUMPTION.—

(i) IN GENERAL.—A bank shall not be presumed to be a covered bank if the bank has less than $10,000,000,000 in total assets.

(ii) REBUTTABLE PRESUMPTION.—

(I) IN GENERAL.—A bank is presumed to be a covered bank if the bank has $10,000,000,000 or more in total assets.

(II) REBUTTAL.—A bank that meets the criteria under subclause (I) can seek to rebut

this presumption by submitting to the Office of the Comptroller of the Currency written materials that, in the judgement of the agency, demonstrate the bank does not meet the definition of covered bank.

(3) COVERED CREDIT UNION.—The term ''covered credit union'' means—

(A) any insured credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752); or

(B) any credit union that is eligible to make application to become an insured credit union under section 201 of the Federal Credit Union Act (12 U.S.C. 1781).

(4) DENY.—The term ''deny'' means to deny or refuse to enter into or terminate an existing financial services relationship with a person.

(5) FAIR ACCESS TO FINANCIAL SERVICES.—The term ''fair access to financial services'' means persons engaged in activities lawful under Federal law are able to obtain financial services at banks without impediments caused by a prejudice against or dislike for a person or the business of the customer, products or services sold by the person, or favoritism for market alternatives to the business of the person.

(6) FINANCIAL SERVICE.—The term ''financial service'' means a financial product or service, including—

(A) commercial and merchant banking;

(B) lending;

(C) financing;

(D) leasing;

(E) cash, asset and investment management and advisory services;

(F) credit card services;

(G) payment processing;

(H) security and foreign exchange trading and brokerage services; and

(I) insurance products.

(7) MEMBER BANK.—The term ''member bank'' has the meaning given the term in the third undesignated paragraph of the first section of the Federal Reserve Act (12 U.S.C. 221).

(8) PERSON.—The term ''person''—

(A) means—

(i) any natural person; or

(ii) any partnership, corporation, or other business or legal entity; and

(B) includes a customer.

(b) REQUIREMENTS.—

(1) IN GENERAL.—To provide fair access to financial services, a covered bank, including a subsidiary of a covered bank, shall, except as necessary to comply with another provision of law—

(A) make each financial service it offers available to all persons in the geographic market served by the covered bank on proportionally equal terms;

(B) not deny any person a financial service the covered bank offers unless the denial is justified by such quantified and documented failure of the person to meet quantitative, impartial risk-based standards established in advance by the covered bank;

(C) not deny, in coordination with or at the request of others, any person a financial service the covered bank offers; and

(D) when denying any person financial services the covered bank offers, to provide written justification to the person explaining the basis for the denial, including any specific laws or regulations the covered bank believes are being violated by the person or customer, if any.

(2) JUSTIFICATION REQUIREMENT.—A justification described in paragraph (1)(D) may not be based solely on the reputational risk to the depository institution.

(c) CAUSE OF ACTION FOR VIOLATIONS OF THIS SECTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a person may commence a civil action in the appropriate district court of the United States against any covered bank or covered credit union that violates or fails to comply with the requirements under this title, for harm that person suffered as a result of such violation.

(2) NO EXHAUSTION.—It shall not be necessary for a person to exhaust its administrative remedies before commencing a civil action under this title.

(3) DAMAGES.—If a person prevails in a civil action under this title, a court shall award the person—

(A) reasonable attorney's fees and costs; and

(B) treble damages.

SA 6069. Mr. CRAMER (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 appropriate place, insert the following:

TITLE _____—BANK SERVICE COMPANY EXAMINATION COORDINATION

SEC. _____01. SHORT TITLE.

This title may be cited as the ''Bank Service Company Examination Coordination Act of 2022''.

SEC. _____02. BANK SERVICE COMPANY ACT IMPROVEMENTS.

The Bank Service Company Act (12 U.S.C. 1861 et seq.) is amended—

(1) in section 1(b)—

(A) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) the term 'State banking agency' shall have the same meaning given the term 'State Bank Supervisor' under section 3 of the Federal Deposit Insurance Act;'';

(2) in section 5(a), by inserting '', in consultation with the State banking agency,'' after ''banking agency''; and

(3) in section 7—

(A) in subsection (a)—

(i) in the first sentence, by inserting ''or State banking agency'' after ''appropriate Federal banking agency''; and

(ii) in the second sentence, by striking ''Federal banking agency that supervises any other shareholder or member'' and inserting ''Federal or State banking agency that supervises any other shareholder or member'';

(B) in subsection (c)—

(i) by inserting ''or a State banking agency'' after ''appropriate Federal banking agency''; and

(ii) by striking ''such agency'' each place such term appears and inserting ''such Federal or State agency'';

(C) by redesignating subsection (d) as subsection (f);

(D) by inserting after subsection (c) the following:

''(d) AVAILABILITY OF INFORMATION.—Information obtained pursuant to the regulation and examination of service providers under this section or applicable State law may be furnished by and accessible to Federal and State agencies to the same extent that supervisory information concerning depository institutions is authorized to be furnished to and required to be accessible by Federal and State agencies under section 7(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)) or State law, as applicable.

''(e) COORDINATION WITH STATE BANKING AGENCIES.—Where a State bank is principal shareholder or principal member of a bank service company or where a State bank is any other shareholder or member of the bank service company, the appropriate Federal banking agency, in carrying out examinations authorized by this section, shall—

''(1) provide reasonable and timely notice to the State banking agency; and

''(2) to the fullest extent possible, coordinate and avoid duplication of examination activities, reporting requirements, and requests for information.'';

(E) in subsection (f), as so redesignated, by inserting '', in consultation with State banking agencies,'' after ''appropriate Federal banking agencies''; and

(F) by adding at the end the following:

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as granting authority for a State banking agency to examine a bank service company where no such authority exists in State law.''.

SEC. _____03. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this title, 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 title, 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 6070. Mr. INHOFE (for himself 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. ___. FEDERAL CHARTER FOR THE NATIONAL CENTER FOR THE ADVANCEMENT OF AVIATION.

(a) SHORT TITLE.—This section may be cited as the ''National Center for the Advancement of Aviation Act of 2022''.

(b) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 120. National Center for the Advancement of Aviation

''(a) FEDERAL CHARTER AND STATUS.—

''(1) IN GENERAL.—The National Center for the Advancement of Aviation (in this section referred to as the 'Center') is a federally chartered entity. The Center is a private independent entity, not a department, agency, or instrumentality of the United States Government or a component thereof. Except as provided in subsection (f)(1), an officer or employee of the Center is not an officer or employee of the Federal Government.

''(2) PERPETUAL EXISTENCE.—Except as otherwise provided, the Center shall have perpetual existence.

''(b) GOVERNING BODY.—

''(1) IN GENERAL.—The Board of Directors (in this section referred to as the 'Board') is the governing body of the Center.

''(2) AUTHORITY OF POWERS.—

''(A) IN GENERAL.—The Board shall adopt a constitution, bylaws, regulations, policies, and procedures to carry out the purpose of the Center and may take any other action that it considers necessary (in accordance with the duties and powers of the Center) for the management and operation of the Center. The Board is responsible for the general policies and management of the Center and for the control of all funds of the Center.

''(B) POWERS OF BOARD.—The Board shall have the power to do the following:

''(i) Adopt and alter a corporate seal.

''(ii) Establish and maintain offices to conduct its activities.

''(iii) Enter into contracts or agreements as a private entity not subject to the requirements of title 41.

''(iv) Acquire, own, lease, encumber, and transfer property as necessary and appropriate to carry out the purposes of the Center.

''(v) Publish documents and other publications in a publicly accessible manner.

''(vi) Incur and pay obligations as a private entity not subject to the requirements of title 31.

''(vii) Make or issue grants and include any conditions on such grants in furtherance of the purpose and duties of the Center.

''(viii) Perform any other act necessary and proper to carry out the purposes of the Center as described in its constitution and bylaws or duties outlined in this section.

''(3) MEMBERSHIP OF THE BOARD.—

''(A) IN GENERAL.—The Board shall have 11 Directors as follows:

''(i) EX-OFFICIO MEMBERSHIP.—The following individuals, or their designees, shall be considered ex-officio members of the Board:

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

''(II) The Executive Director, pursuant to paragraph (5)(D).

''(ii) APPOINTMENTS.—

''(I) IN GENERAL.—From among those members of the public who are highly respected and have knowledge and experience in the fields of aviation, finance, or academia—

''(aa) the Secretary of Transportation shall appoint 5 members to the Board;

''(bb) the Secretary of Defense shall appoint 1 member to the Board;

''(cc) the Secretary of Veterans Affairs shall appoint 1 member to the Board;

''(dd) the Secretary of Education shall appoint 1 member to the Board;

''(ee) the Administrator of the National Aeronautics and Space Administration shall appoint 1 member to the Board.

''(II) TERMS.—

''(aa) IN GENERAL.—The members appointed under subclause (I) shall serve for a term of 3 years and may be reappointed.

''(bb) STAGGERING TERMS.—To ensure subsequent appointments to the Board are staggered, of the 9 members first appointed under subclause (I), 3 shall be appointed for a term of 1 year, 3 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of 3 years.

''(III) CONSIDERATION.—In considering whom to appoint to the Board, the Secretaries and Administrator referenced in subclause (I) shall, to the maximum extent practicable, ensure the overall composition of the Board adequately represents the fields of aviation and academia.

''(B) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the initial appointment.

''(C) STATUS.—All Members of the Board shall have equal voting powers, regardless if they are ex-officio members or appointed.

''(4) CHAIR OF THE BOARD.—The Board shall choose a Chair of the Board from among the members of the Board that are not ex-officio members under paragraph (3)(A)(i).

''(5) ADMINISTRATIVE MATTERS.—

''(A) MEETINGS.—

''(i) IN GENERAL.—The Board shall meet at the call of the Chair but not less than 2 times each year and may, as appropriate, conduct business by telephone or other electronic means.

''(ii) OPEN.—

''(I) IN GENERAL.—Except as provided in subclause (II), a meeting of the Board shall be open to the public.

''(II) EXCEPTION.—A meeting, or any portion of a meeting, may be closed if the Board, in public session, votes to close the meeting because the matters to be discussed—

''(aa) relate solely to the internal personnel rules and practices of the Center;

''(bb) may result in disclosure of commercial or financial information obtained from a person that is privileged or confidential;

''(cc) may disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; or

''(dd) are matters that are specifically exempted from disclosure by Federal or State law.

''(iii) PUBLIC ANNOUNCEMENT.—At least 1 week before a meeting of the Board, and as soon as practicable thereafter if there are any changes to the information described in subclauses (I) through (III), the Board shall make a public announcement of the meeting that describes—

''(I) the time, place, and subject matter of the meeting;

''(II) whether the meeting is to be open or closed to the public; and

''(III) the name and appropriate contact information of a person who can respond to requests for information about the meeting.

''(iv) RECORD.—The Board shall keep a transcript of minutes from each Board meeting. Such transcript shall be made available to the public in an accessible format, except for portions of the meeting that are closed pursuant to subparagraph (A)(ii)(II).

''(B) QUORUM.—A majority of members of the Board shall constitute a quorum.

''(C) RESTRICTION.—No member of the Board shall participate in any proceeding, application, ruling or other determination, contract claim, scholarship award, controversy, or other matter in which the member, the member's employer or prospective employer, or the member's spouse, partner, or minor child has a direct financial interest. Any person who violates this subparagraph may be fined not more than $10,000, imprisoned for not more than 2 years, or both.

''(D) EXECUTIVE DIRECTOR.—The Board shall appoint and fix the pay of an Executive Director of the Center (in this section referred to as the 'Executive Director') who shall—

''(i) serve as a Member of the Board;

''(ii) serve at the pleasure of the Board, under such terms and conditions as the Board shall establish;

''(iii) is subject to removal by the Board at the discretion of the Board; and

''(iv) be responsible for the daily management and operation of the Center and for carrying out the purposes and duties of the Center.

''(E) APPOINTMENT OF PERSONNEL.—The Board shall designate to the Executive Director the authority to appoint additional personnel as the Board considers appropriate and necessary to carry out the purposes and duties of the Center.

''(F) PUBLIC INFORMATION.—Nothing in this section may be construed to withhold disclosure of information or records that are subject to disclosure under section 552 of title 5.

''(c) PURPOSE OF THE CENTER.—The purpose of the Center is to—

''(1) develop a skilled and robust U.S. aviation and aerospace workforce;

''(2) provide a forum to support collaboration and cooperation between governmental, non-governmental, and private aviation and aerospace sector stakeholders regarding the advancement of the U.S. aviation and aerospace workforce, including general, business, and commercial aviation, education, labor, manufacturing and international organizations; and

''(3) serve as a repository for research conducted by institutions of higher education, research institutions, or other stakeholders regarding the aviation and aerospace workforce, or related technical and skill development.

''(d) DUTIES OF THE CENTER.—In order to accomplish the purpose described in subsection (c), the Center shall perform the following duties:

''(1) Improve access to aviation and aerospace education and related skills training to help grow the U.S. aviation and aerospace workforce, including—

''(A) assessing the current U.S. aviation and aerospace workforce challenges and identifying actions to address these challenges, including by developing a comprehensive workforce strategy;

''(B) establishing scholarship, apprenticeship, internship or mentorship programs for individuals who wish to pursue a career in an aviation- or aerospace-related field, including individuals in economically disadvantaged areas or individuals who are members of underrepresented groups in the aviation and aerospace sector;

''(C) supporting the development of aviation and aerospace education curricula, including syllabi, training materials, and lesson plans, for use by middle schools and high schools, institutions of higher education, secondary education institutions, or technical training and vocational schools; and

''(D) building awareness of youth-oriented aviation and aerospace programs and other outreach programs.

''(2) Support the personnel or veterans of the Armed Forces seeking to transition to a career in civil aviation or aerospace through outreach, training, apprenticeships, or other means.

''(3) Amplify and support the research and development efforts conducted as part of the National Aviation Research Plan, as required under section 44501(c), and work done at the Centers of Excellence and Technical Centers of the Federal Aviation Administration regarding the aviation and aerospace workforce, or related technical and skills development, including organizing and hosting symposiums, conferences, and other forums as appropriate, between the Federal Aviation Administration, aviation and aerospace stakeholders, and other interested parties, to discuss current and future research efforts and technical work.

''(e) GRANTS.—

''(1) IN GENERAL.—In order to accomplish the purpose under subsection (c) and duties under subsection (d), the Center may issue grants to eligible entities to—

''(A) create, develop, deliver, or update—

''(i) middle and high school aviation curricula, including syllabi, training materials, equipment and lesson plans, that are designed to prepare individuals to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation maintenance technicians, or other aviation maintenance professionals, or to support the continuing education of any of the aforementioned individuals; or

''(ii) aviation curricula, including syllabi, training materials, equipment and lesson

plans, used at institutions of higher education, secondary education institutions, or by technical training and vocational schools, that are designed to prepare individuals to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation maintenance technicians, or other aviation maintenance professionals, or to refresh the knowledge of any of the aforementioned individuals; or

''(B) support the professional development of educators using the curriculum in subparagraph (A);

''(C) establish new education programs that teach technical skills used in aviation maintenance, including purchasing equipment, or to improve existing programs;

''(D) establish scholarships, internships or apprenticeships for individuals pursuing employment in the aviation maintenance industry;

''(E) support outreach about educational opportunities and careers in the aviation maintenance industry, including in economically disadvantaged areas; or

''(F) support the transition to careers in aviation maintenance, including for members of the Armed Forces.

''(2) ELIGIBLE ENTITIES.—An eligible entity under this subsection includes—

''(A) an air carrier, as defined in section 40102, an air carrier engaged in intrastate or intra-U.S. territorial operations, an air carrier engaged in commercial operations covered by part 135 or part 91 of title 14, Code of Federal Regulations, operations, or a labor organization representing aircraft pilots;

''(B) an accredited institution of higher education or a high school or secondary school (as defined in section 8101 of the Higher Education Act of 1965 (20 U.S.C. 7801));

''(C) a flight school that provides flight training, as defined in part 61 of title 14, Code of Federal Regulations, or that holds a pilot school certificate under part 141 of title 14, Code of Federal Regulations;

''(D) a State or local governmental entity; or

''(E) an organization representing aircraft users, aircraft owners, or aircraft pilots;

''(F) a holder of a certificate issued under part 21, 121, 135, or 145 of title 14, Code of Federal Regulations or a labor organization representing aviation maintenance workers; or

''(G) other organizations at the discretion of the Board.

''(3) LIMITATION.—No organization that receives a grant under this section may sell or make a profit from the creation, development, delivery, or updating of high school aviation curricula.

''(f) ADMINISTRATIVE MATTERS OF THE CENTER.—

''(1) DETAILEES.—

''(A) IN GENERAL.—At the request of the Center, the head of any Federal agency or department may, at the discretion of such agency or department, detail to the Center, on a reimbursable basis, any employee of the agency or department.

''(B) CIVIL SERVANT STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

''(2) NAMES AND SYMBOLS.—The Center may accept, retain, and use proceeds derived from the Center's use of the exclusive right to use its name and seal, emblems, and badges incorporating such name as lawfully adopted by the Board in furtherance of the purpose and duties of the Center.

''(3) GIFTS, GRANTS, BEQUESTS, AND DEVISES.—The Center may accept, retain, use, and dispose of gifts, grants, bequests, or devises of money, services, or property from any public or private source for the purpose of covering the costs incurred by the Center in furtherance of the purpose and duties of the Center.

''(4) VOLUNTARY SERVICES.—The Center may accept from any person voluntary services to be provided in furtherance of the purpose and duties of the Center.

''(g) RESTRICTIONS OF THE CENTER.—

''(1) PROFIT.—The Center may not engage in business activity for profit.

''(2) STOCKS AND DIVIDENDS.—The Center may not issue any shares of stock or declare or pay any dividends.

''(3) POLITICAL ACTIVITIES.—The Center shall be nonpolitical and may not provide financial aid or assistance to, or otherwise contribute to or promote the candidacy of, any individual seeking elective public office or political party. The Center may not engage in activities that are, directly, or indirectly, intended to be or likely to be perceived as advocating or influencing the legislative process.

''(4) DISTRIBUTION OF INCOME OR ASSETS.—The assets of the Center may not inure to the benefit of any member of the Board, or any officer or employee of the Center or be distributed to any person. This subsection does not prevent the payment of reasonable compensation to any officer, employee, or other person or reimbursement for actual and necessary expenses in amounts approved by the Board.

''(5) LOANS.—The Center may not make a loan to any member of the Board or any officer or employee of the Center.

''(6) NO CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The Center may not claim approval of Congress or of the authority of the United States for any of its activities.

''(h) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Executive Director shall appoint members to an advisory committee subject to approval by the Board. Members of the Board may not sit on the advisory committee.

''(2) MEMBERSHIP.—The advisory committee shall consist of 15 members who represent various aviation industry and labor stakeholders, stakeholder associations, and others as determined appropriate by the Board. The advisory committee shall select a Chair and Vice Chair from among its members by majority vote. Members of the advisory committee shall be appointed for a term of 5 years.

''(3) DUTIES.—The advisory committee shall—

''(A) provide recommendations to the Board on an annual basis regarding the priorities for the activities of the Center;

''(B) consult with the Board on an ongoing basis regarding the appropriate powers of the Board to accomplish the purposes and duties of the Center;

''(C) provide relevant data and information to the Center in order to carry out the duties set forth in subsection (d); and

''(D) nominate United States citizens for consideration by the Board to be honored annually by the Center for such citizens' efforts in promoting U.S. aviation or aviation education and enhancing the aviation workforce in the United States.

''(4) MEETINGS.—The provisions for meetings of the Board under subsection (b)(5) shall apply as similarly as is practicable to meetings of the advisory committee.

''(i) WORKING GROUPS.—

''(1) IN GENERAL.—The Board may establish and appoint the membership of the working groups as determined necessary and appropriate to achieve the purpose of the Center under subsection (c).

''(2) MEMBERSHIP.—Any working group established by the Board shall have members representing various aviation industry and labor stakeholders, stakeholder associations, and others, as determined appropriate by the Board. Once established, the membership of such working group shall choose a Chair from among the members of the working group by majority vote.

''(3) TERMINATION.—Unless determined otherwise by the Board, any working group established by the Board under this subsection shall be constituted for a time period of not more than 3 years.

''(j) RECORDS OF ACCOUNTS.—The Center shall keep correct and complete records of accounts.

''(k) DUTY TO MAINTAIN TAX-EXEMPT STATUS.—The Center shall be operated in a manner and for purposes that qualify the Center for exemption from taxation under the Internal Revenue Code as an organization described in section 501(c)(3) of such Code.

''(l) ANNUAL REPORT.—The Board shall submit an annual report to the appropriate committees of Congress that, at minimum,—

''(1) includes a review and examination of—

''(A) the activities performed as set forth in subsections (d) and (e) during the prior fiscal year;

''(B) the advisory committee as described under subsection (h); and

''(C) the working groups as described under subsection (i); and

''(2) provides recommendations to improve the role, responsibilities, and functions of the Center to achieve the purpose set forth in subsection (c).

''(m) AUDIT BY THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.—

''(1) IN GENERAL.—Not later than 2 years after the date on which the Center is established under subsection (a), the inspector general of the Department of Transportation shall conduct a review of the Center.

''(2) CONTENTS.—The review shall—

''(A) include, at a minimum—

''(i) an evaluation of the efforts taken at the Center to achieve the purpose set forth in subsection (c); and

''(ii) the recommendations provided by the Board in subsection (l)(2); and

''(B) provide any other information that the inspector general determines is appropriate.

''(3) REPORT ON AUDIT.—

''(A) REPORT TO SECRETARY.—Not later than 30 days after the date of completion of the audit, the inspector general shall submit to the Secretary a report on the results of the audit.

''(B) REPORT TO CONGRESS.—Not later than 60 days after the date of receipt of the report under subparagraph (A), the Secretary shall submit to the appropriate committees of Congress a copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.

''(n) FUNDING.—

''(1) IN GENERAL.—In order to carry out this section, notwithstanding any other provision of law, an amount equal to 3 percent of the interest from investment credited to the Airport and Airway Trust Fund shall be transferred annually from the Airport and Airway Trust Fund as a direct lump sum payment on the first day of October to the Center to carry out this section and shall be available until expended without further act of appropriation.

''(2) CALCULATION.—In carrying out paragraph (1), the Secretary of the Treasury shall calculate the transfer of funding based on the estimates of revenues into the Airport and Airway Trust Fund from the previous fiscal year.

''(o) EXCEPTION.—The Secretary of Transportation may temporarily waive expenditures or obligations under subsection (n) in the case of—

''(1) an appropriation measure for a fiscal year is not enacted before the beginning of

such fiscal year or a joint resolution making continuing appropriations is not in effect; or

''(2) a national emergency or other significant event that results in a significant loss in total funding to the Airport and Airway Trust Fund, as determined by the Secretary.

''(p) DEFINITIONS.—In this section:

''(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(3) STEM.—The term 'STEM' means science, technology, engineering, and mathematics.''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by inserting after the item relating to section 119 the following:

''120. National Center for the Advancement of Aviation.''.

(d) EXPENDITURE AUTHORITY FROM THE AIRPORT AND AIRWAYS TRUST FUND.—Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 is amended by striking the semicolon at the end and inserting ''or the National Center for the Advancement of Aviation Act of 2022;''.

(e) PREVENTION OF DUPLICATIVE PROGRAMS.—The Board of Directors of the National Center for the Advancement of Aviation established under section 120 of title 49, United States Code (as added by subsection (b) of this section), shall coordinate with the Administrator of the Federal Aviation Administration to prevent any programs of the Center from duplicating programs established under section 625 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note).

SA 6071. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. IMPROVEMENT OF DEPARTMENT OF VETERANS AFFAIRS LOAN GUARANTEE FOR PURCHASE OF RESIDENTIAL COOPERATIVE HOUSING UNITS.

(a) IN GENERAL.—Section 3710 of title 38, United States Code, is amended—

(1) in subsection (a)(12), by striking ''With respect to a loan guaranteed after the date of the enactment of this paragraph and before the date that is five years after that date, to'' and inserting ''To''; and

(2) by striking subsection (h) and inserting the following new subsection (h):

''(h) A loan may not be guaranteed under subsection (a)(12) before the date on which the Secretary prescribes regulations setting forth requirements for underwriting, loan processing, project standards, share eligibility, valuation, and other criteria the Secretary determines necessary. The Secretary shall ensure that such regulations are consistent, to the extent the Secretary determines suitable, with the requirements of the Federal National Mortgage Association for the purchase or securitization of cooperative housing loans.''.

(b) AUTHORITY TO ADVERTISE.—The Secretary of Veterans Affairs shall use the authority of the Secretary under section 532 of title 38, United States Code, to advertise the availability of loan guarantees for housing cooperative share loans under section 3710(a)(12) of such title and shall take such other appropriate actions as may be necessary, including by the issuance of guidance, to notify eligible veterans, participating lenders, and interested realtors of the availability of such loan guarantees and the procedures and requirements that apply to the obtaining of such guarantees.

SA 6072. Mr. TESTER (for himself 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 subtitle G of title X, add the following:

SEC. 1077. PILOT PROGRAM FOR TRAVEL COST REIMBURSEMENT FOR VETERANS ACCESSING READJUSTMENT COUNSELING SERVICES.

(a) PILOT PROGRAM REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish and commence a pilot program, within the Readjustment Counseling Service of the Veterans Health Administration, to assess the feasibility and advisability of providing payment to cover or offset financial difficulties of an individual in accessing or using transportation to and from the nearest Vet Center providing the necessary readjustment counseling services for the plan of service of the individual.

(b) PARTICIPATION.—

(1) IN GENERAL.—In carrying out the pilot program required by subsection (a), the Secretary shall limit participation—

(A) by individuals pursuant to paragraph (2); and

(B) by Vet Centers pursuant to paragraph (3).

(2) PARTICIPATION BY INDIVIDUALS.—

(A) IN GENERAL.—The Secretary shall limit participation in the pilot program to individuals who are—

(i) eligible for services at a Vet Center participating in the pilot program; and

(ii) experiencing financial hardship.

(B) FINANCIAL HARDSHIP.—The Secretary shall determine the meaning of ''financial hardship'' for purposes of subparagraph (A)(ii).

(3) PARTICIPATION OF VET CENTERS.—Vet Centers participating in the program shall be chosen by the Secretary from among those Vet Centers serving individuals in areas designated by the Secretary as rural, highly rural, or Tribal land.

(c) TRAVEL ALLOWANCES AND REIMBURSEMENTS.—Under the pilot program required by subsection (a), the Secretary shall provide a participating individual a travel allowance or reimbursement at the earliest time practicable, but not later than 10 business days before the date of the appointment for which such allowance or reimbursement is to be used.

(d) DURATION.—The Secretary shall carry out the pilot program required by subsection (a) during the five-year period beginning on the date of the commencement of the pilot program.

(e) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program at not fewer than five locations selected by the Secretary for purposes of the pilot program.

(2) EXISTING INITIATIVE.—Of the locations selected under paragraph (1), four of which shall be the locations participating in the initiative required under section 104 of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1169) as of the date of the enactment of this Act.

(f) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the commencement of the pilot program required by subsection (a) and each year thereafter for the duration of the pilot 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 findings of the Secretary with respect to the pilot program.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The number of individuals who benefitted from the pilot program, disaggregated by age, race or ethnicity, and sex, to the extent possible.

(B) The average distance traveled by each individual to a Vet Center under the pilot program.

(C) The definition of financial hardship determined by the Secretary under subsection (b)(2)(B).

(D) A description of how funds are distributed under the pilot program.

(E) The average amount of funds distributed per instance, disaggregated by Vet Center.

(F) A description of any impediments to the Secretary in paying expenses or allowances under the pilot program.

(G) An assessment of the potential for fraudulent receipt of payment under the pilot program and the recommendations of the Secretary for legislative or administrative action to reduce such fraud.

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate with respect to the payment of such expenses or allowances.

(g) VET CENTER DEFINED.—In this section, the term ''Vet Center'' means a center for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

SA 6073. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. IMPROVEMENT OF AUTHORITY ON LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subsection (a) of section 529 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2001 note prec.) is amended by striking ''may carry out'' and inserting ''shall carry out''.

(b) CONFORMING AMENDMENTS.—Such section is further amended by striking ''authorized by subsection (a)'' each place it appears and inserting ''required by subsection (a)''.

SA 6074. Mr. TESTER (for himself 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 subtitle G of title X, add the following:

SEC. 1077. TECHNICAL CORRECTIONS TO HONORING OUR PACT ACT OF 2022.

(a) PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO BURN PITS AND OTHER TOXINS.—Section 1120(b)(2) of title 38, United States Code, as added by section 406(b) of the Honoring our PACT Act of 2022 (Public Law 117–168; 136 Stat. 1784), is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) through (K) as (G) through (J), respectively.

(b) CONGRESSIONAL APPROVAL OF CERTAIN MEDICAL FACILITY ACQUISITIONS.—Subparagraph (C) of section 703(c)(5) of the Honoring our PACT Act of 2022 (Public Law 117–168; 136 Stat. 1797) is amended to read as follows:

''(C) by striking 'or a major medical facility lease (as defined in subsection (a)(3)(B))';''.

(c) USE OF COMPETITIVE PROCEDURES TO ACQUIRE SPACE FOR THE PURPOSE OF PROVIDING HEALTH-CARE RESOURCES TO VETERANS.—Subsection (h)(1) of section 8103 of title 38, United States Code, as added by section 704 of the Honoring our PACT Act of 2022 (Public Law 117–168; 136 Stat. 1799), is amended by striking ''section 2304 of title 10'' and inserting ''section 3301 of title 41''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Honoring our PACT Act of 2022 (Public Law 117–168).

SA 6075. Mr. TESTER (for himself, Mr. CRAPO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BROWN, Mrs. CAPITO, Mr. CASEY, Mr. COONS, Mr. CORNYN, Mr. CRAMER, Mr. CRUZ, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Ms. HASSAN, Mr. HICKENLOOPER, Ms. HIRONO, Mrs. HYDE-SMITH, Mr. KELLY, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. LUJÁN, Mr. MANCHIN, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Mrs. MURRAY, Mr. OSSOFF, Mr. PADILLA, Mr. PETERS, Mr. PORTMAN, Mr. RISCH, Ms. ROSEN, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mrs. SHAHEEN, Ms. STABENOW, Mr. VAN HOLLEN, Mr. WARNER, and Mr. WARNOCK) 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 end of subtitle D of title VI, add the following:

SEC. 632. ELIGIBILITY OF DISABILITY RETIREES WITH FEWER THAN 20 YEARS OF SERVICE AND A COMBAT-RELATED DISABILITY FOR CONCURRENT RECEIPT OF VETERANS' DISABILITY COMPENSATION AND RETIRED PAY.

(a) CONCURRENT RECEIPT IN CONNECTION WITH CSRC.—Section 1413a(b)(3)(B) of title 10, United States Code, is amended by striking ''creditable service,'' and all that follows and inserting the following: ''creditable service—

''(i) the retired pay of the retiree is not subject to reduction under sections 5304 and 5305 of title 38; and

''(ii) no monthly amount shall be paid the retiree under subsection (a).''.

(b) CONCURRENT RECEIPT GENERALLY.—Section 1414(b)(2) of title 10, United States Code, is amended by striking ''Subsection (a)'' and all that follows and inserting the following: ''Subsection (a)—

''(A) applies to a member described in paragraph (1) of that subsection who is retired under chapter 61 of this title with less than 20 years of service otherwise creditable under chapter 1405 of this title, or with less than 20 years of service computed under section 12732 of this title, at the time of the member's retirement if the member has a combat-related disability (as that term is defined in section 1413a(e) of this title), except that in the application of subsection (a) to such a member, any reference in that subsection to a qualifying service-connected disability shall be deemed to be a reference to that combat-related disability; but

''(B) does not apply to any member so retired if the member does not have a combat-related disability.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS REFLECTING END OF CONCURRENT RECEIPT PHASE-IN PERIOD.—Section 1414 of title 10, United States Code, is further amended—

(A) in subsection (a)(1)—

(i) by striking the second sentence; and

(ii) by striking subparagraphs (A) and (B);

(B) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(C) in subsection (d), as redesignated, by striking paragraphs (3) and (4).

(2) SECTION HEADING.—The heading of such section 1414 is amended to read as follows:

''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent receipt''.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 1414 and inserting the following new item:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent receipt.''.

(4) CONFORMING AMENDMENT.—Section 1413a(f) of such title is amended by striking ''Subsection (d)'' and inserting ''Subsection (c)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning after the date of the enactment of this Act and shall apply to payments for months beginning on or after that date.

SA 6076. Mr. TESTER (for himself and 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 G of title X, add the following:

SEC. 1077. TECHNICAL CORRECTION TO ELIGIBILITY FOR COUNSELING AND TREATMENT FOR MILITARY SEXUAL TRAUMA TO INCLUDE ALL FORMER MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Section 1720D of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''a physical assault of a sexual nature'' and all that follows through the period at the end and inserting ''military sexual trauma.''; and

(B) in paragraph (2)(A), by striking ''that was suffered by the member while serving on duty, regardless of duty status or line of duty determination (as that term is used in section 12323 of title 10)''; and

(2) by striking subsections (f) and (g) and inserting the following new subsection (f):

''(f) In this section:

''(1) The term 'former member of the Armed Forces' means a person who served on active duty, active duty for training, or inactive duty training, and who was discharged or released therefrom under any condition that is not—

''(A) a discharge by court-martial; or

''(B) a discharge subject to a bar to benefits under section 5303 of this title.

''(2) The term 'military sexual trauma' means, with respect to a former member of the Armed Forces, a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the former member of the Armed Forces was serving on duty, regardless of duty status or line of duty determination (as that term is used in section 12323 of title 10).

''(3) The term 'sexual harassment' means unsolicited verbal or physical contact of a sexual nature which is threatening in character.''.

SA 6077. 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 D of title III, add the following:

SEC. 357. SENSE OF CONGRESS ON PROCUREMENT OF TECHNOLOGY FOR WEAPONS SYSTEMS.

It is the Sense of Congress that in order to begin to improve the mission readiness of

the critical weapons systems of the United States and to materially reduce costs associated with the maintenance of those weapons systems, such sums as needed should be appropriated for the procurement of technology that has been validated to simultaneously monitor circuit paths under test and continuously detect and isolate the precise location of intermittent circuit failures in durations as short as 100 nanoseconds.

SA 6078. 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 E of title XII, add the following:

SEC. 1262. REPORTS ON ADOPTION OF CRYPTOCURRENCY AS LEGAL TENDER IN EL SALVADOR.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State and the Secretary of the Treasury, in coordination with the heads of other relevant Federal departments and agencies, shall jointly submit to the appropriate committees of Congress a report on the adoption by the Government of El Salvador of a cryptocurrency as legal tender.

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

(1) A description of the process followed by the Government of El Salvador to develop and enact the Bitcoin Law (Legislative Decree No. 57, Official Record No. 110, Volume 431, enacted June 9, 2021), which provides the cryptocurrency, Bitcoin, with legal tender status in El Salvador.

(2) An assessment of—

(A) the regulatory framework in El Salvador with respect to the adoption of a cryptocurrency as legal tender and the technical capacity of El Salvador to ensure the financial integrity and cybersecurity standards associated with virtual-asset transactions;

(B) whether the regulatory framework in El Salvador meets the recommendations of the Financial Action Task Force with respect to virtual-asset transactions;

(C) the impact on individuals and businesses of requiring tender of Bitcoin; and

(D) the impact of such adoption of a cryptocurrency on—

(i) the macroeconomic stability and public finances of El Salvador, including taxation;

(ii) the rule of law and democratic governance in El Salvador;

(iii) the unbanked population in El Salvador;

(iv) the flow of remittances from the United States to El Salvador;

(v) El Salvador's relations with multilateral financial institutions, such as the International Monetary Fund and the Word Bank;

(vi) bilateral and international efforts to combat transnational illicit activities;

(vii) El Salvador's bilateral economic and commercial relationship with the United States and the potential for reduced use by El Salvador of the United States dollar;

(viii) existing United States sanctions frameworks and the potential for the use of cryptocurrency to affect such sanctions;

(ix) the environmental impact of cryptocurrency mining activities in El Salvador and the capacity of the electric grid in El Salvador to deliver electricity meeting or exceeding the level available before the adoption of a cryptocurrency as legal tender; and

(x) the feasibility of using cryptocurrency mining activities for purposes of enhancing grid resiliency in El Salvador.

(3) A description of the internet infrastructure of El Salvador and an assessment of—

(A) the degree to which cryptocurrency is used in El Salvador;

(B) matters relating to chain of custody and the potential for hacking and cybertheft of cryptocurrency; and

(C) access to transparent and affordable internet and digital infrastructure among the unbanked population of El Salvador.

(c) PLAN TO MITIGATE POTENTIAL SIGNIFICANT RISKS TO UNITED STATES FINANCIAL SYSTEM POSED BY ADOPTION OF CRYPTOCURRENCY AS LEGAL TENDER IN CERTAIN COUNTRIES.—Not later than 90 days after the submittal of the report required by subsection (a), the Secretary of State and the Secretary of the Treasury, in coordination with the heads of other relevant Federal departments and agencies, shall jointly submit to the appropriate committees of Congress a plan to mitigate any potential risk to the United States financial system posed by the adoption of a cryptocurrency as legal tender in—

(1) El Salvador; and

(2) any other country that uses the United States dollar as legal tender.

(d) SUBSEQUENT REPORT.—Not later than 270 days after the submittal of the report required by subsection (a), the Secretary of State and the Secretary of the Treasury, in coordination with the heads of other relevant Federal departments and agencies, shall jointly submit to the appropriate committees of Congress an updated version of such report, including a description of any significant development related to the risks to the United States financial system posed by the use of a cryptocurrency as legal tender in El Salvador.

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

(1) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

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

SA 6079. Mr. LANKFORD (for himself and 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 end of subtitle D of title X, add the following:

SEC. 1035. INTERAGENCY STRATEGY FOR CREATING A UNIFIED POSTURE ON COUNTER-UNMANNED AIRCRAFT SYSTEMS CAPABILITIES AND PROTECTIONS AT INTERNATIONAL BORDERS OF THE UNITED STATES.

(a) SHORT TITLE.—This section may be cited as the ''Protecting the Border from Unmanned Aircraft Systems Act''

(b) DEFINITIONS.— In this section:

(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 Committee on the Judiciary of the Senate;

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

(E) the Committee on Appropriations of the Senate;

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

(G) the Committee on the Judiciary of the House of Representatives;

(H) the Committee on Transportation and Infrastructure of the House of Representatives;

(I) the Committee on Energy and Commerce of the House of Representatives;

(J) the Committee on Armed Services of the House of Representatives; and

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

(2) COVERED FACILITY OR ASSET.—The term ''covered facility or asset'' has the meaning given such term in section 210G(k)(3) of the Homeland Security Act of 2002 (6 U.S.C. 124n(k)(3)).

(c) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall work with the Attorney General, the Administrator of the Federal Aviation Administration, and the Secretary of Defense to develop a strategy for creating a unified posture on counter-unmanned aircraft systems (referred to in this section as ''C-UAS'') capabilities and protections at—

(1) covered facilities or assets along international borders of the United States; and

(2) any other border-adjacent facilities or assets at which such capabilities may be utilized under Federal law.

(d) ELEMENTS.—The strategy required to be developed under subsection (c) shall include the following elements:

(1) An examination of C-UAS capabilities at covered facilities or assets along the border, or such other border-adjacent facilities or assets at which such capabilities may be utilized under Federal law, and their usage to detect or mitigate credible threats to homeland security, including the facilitation of illicit activities, or for other purposes authorized by law.

(2) An examination of efforts to protect privacy and civil liberties in the context of C-UAS operations, including with respect to impacts on border communities and protections of the First and Fourth Amendments to the United States Constitution.

(3) An examination of intelligence sources and methods, including drone operators and artificial intelligence equipment, and relevant due process considerations.

(4) An assessment of the availability and interoperability of C-UAS detection and mitigation technology.

(5) An assessment of the training, including training relating to the protection of privacy and civil liberties, required for successful operation of C-UAS detection and mitigation technology.

(6) An assessment of specific methods of operability for deployment and recommendations for additional resources needed.

(7) An assessment of interagency research and development efforts, including the potential for expanding such efforts.

(e) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit the strategy developed pursuant to subsection (c) to the appropriate congressional committees.

(f) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 7 years, the Secretary of Homeland Security, the Attorney General, the Administrator of the Federal Aviation Administration, and the Secretary of Defense shall jointly submit a report to the appropriate congressional committees that describes—

(1) the resources necessary to carry out the strategy developed pursuant to subsection (c); and

(2) any significant developments relating to the elements described in subsection (d).

SA 6080. 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. ENSURING UKRAINIAN SOVEREIGNTY.

(a) SHORT TITLE.—This section may be cited as the ''Ensuring Ukrainian Sovereignty Act''.

(b) PURPOSE.—The purpose of this section is to ensure that any country that recognizes the annexation by the Russian Federation of any part of Ukraine, including any territory taken from Ukraine beginning in 2014 and the results of any referenda sponsored by the Russian Federation that are held within Russian-occupied areas of Ukraine's Donetsk, Luhansk, Zaporizhzhia, and Kherson regions, does not receive any economic or military assistance from the United States.

(c) TERMINATION OF FOREIGN ASSISTANCE.—

(1) RESTRICTIONS.—The President shall immediately terminate all economic and military assistance from the United States to any country that recognizes any annexation described in subsection (b) and is prohibited from providing any such assistance to any such country.

(2) REPORT.—The President shall—

(A) submit a report to Committee on Foreign Relations of the Senate, the Committee on Armed Services of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the House of Representatives, and the Committee on Appropriations of the House of Representatives that—

(i) lists all of the countries that are subject to the restrictions described in paragraph (1); and

(ii) identifies the amount of funding affected by such restrictions, disaggregated by country and program; and

(B) submit an update of such report to the committees referred to in subparagraph (A) whenever a country is added to, or removed from, the list referred to in subparagraph (A).

SA 6081. 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 X, add the following:

SEC. 1052. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

(a) SHORT TITLE.—This section may be cited as the ''Due Process Guarantee Act''.

(b) LIMITATION ON DETENTION.—

(1) IN GENERAL.—Section 4001(a) of title 18, United States Code, is amended—

(A) by striking ''No citizen'' and inserting the following:

''(1) No citizen or lawful permanent resident of the United States''; and

(B) by adding at the end the following:

''(2) Any Act of Congress that authorizes an imprisonment or detention described in paragraph (1) shall be consistent with the Constitution and expressly authorize such imprisonment or detention.''.

(2) APPLICABILITY.—Nothing in section 4001(a)(2) of title 18, United States Code, as added by paragraph (1)(B), 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 prior to the date of the enactment of this Act.

(c) 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 subsection (b) is further amended—

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

(2) 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) This section may not 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 6082. 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 XII, add the following:

SEC. 1276. TRANSFER OF EXCESS OLIVER HAZARD PERRY-CLASS GUIDED-MISSILE FRIGATES TO EGYPT.

(a) IN GENERAL.—The President is authorized to transfer to the Government of Egypt the Oliver Hazard Perry-class guided-missile frigates ex-*USS CARR* (FFG–52) and ex-*USS ELROD* (FFG–55) on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) on or after the date on which the President submits to the appropriate committees of Congress a certification described in subsection (b).

(b) CERTIFICATION.—The certification described in this subsection is a certification of the President of the following:

(1) The President has received reliable assurances that the Government of Egypt and any Egyptian state-owned enterprises—

(A) are not knowingly engaged in any activity subject to sanctions under the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9401 et seq.), including an activity related to Russian Su–35 warplanes or other advanced military technologies; and

(B) will not knowingly engage in activity subject to sanctions under the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9401 et seq.) in the future.

(2) The Egyptian crews participating in training related to and involved in the operation of the vessels transferred under this section are subject to the requirements of section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d), section 362 of title 10, United States Code, and other relevant human rights vetting to ensure that United States-funded assistance related to the transfer of the vessels under this section are not provided to Egyptian security forces that have committed gross violations of internationally recognized human rights or other documented human rights abuses.

(3) The Government of Egypt is no longer unlawfully or wrongfully detaining United States nationals or lawful permanent residents, based on criteria that may include—

(A) the detained individual has presented credible information of factual innocence to United States officials;

(B) information exists that the individual is detained solely or substantially because he or she is a citizen or national of the United States;

(C) information exists that the individual is being detained in violation of internationally protected rights and freedoms, such as freedom of expression, association, assembly, or religion;

(D) the individual is being detained in violation of the laws of the detaining country;

(E) independent nongovernmental organizations or journalists have raised legitimate questions about the innocence of the detained individual;

(F) the United States embassy in the country in which the individual is detained has received credible reports that the detention is a pretext;

(G) police reports show evidence of the lack of a credible investigation;

(H) the individual is detained in a country in which the Department of State has determined in its annual human rights reports that the judicial system is not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts;

(I) the individual is detained in inhumane conditions; and

(J) the international right to due process of law has been sufficiently impaired so as to render the detention arbitrary.

(c) VIOLATIONS.—The President may not transfer a vessel under this section unless the Government of Egypt agrees that if any condition described in subsection (b) is violated after the transfer of the vessel, the Government of Egypt will re-transfer the

vessel to the United States at the sole cost to the Government of Egypt, without using United States funds, including United States foreign military assistance funds.

(d) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to the Government of Egypt under this section 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).

(e) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with the transfer of a vessel under this section shall be charged to the Government of Egypt notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(f) 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 Government of Egypt have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of Egypt, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the three-year period beginning on the date of the enactment of this Act.

(h) REQUIRED REPORT.—

(1) IN GENERAL.—Not later than 60 days before the transfer of a vessel under this section, the President shall submit to the appropriate committees of Congress a report describing the following:

(A) The specific operational activities and objectives intended for the vessel upon receipt by the Government of Egypt.

(B) A detailed description of how the transfer of the vessel will help alleviate United States mission requirements in the Bab el Mandeb and the Red Sea.

(C) A detailed description of how the transfer of the vessel will complement Combined Maritime Forces (CMF) mission goals and activities, including those of Combined Task Forces 150, 151, 152, and 153.

(D) A detailed description of incidents, during the five-year period immediately preceding the date of such transfer, of arbitrary detention, violence, and state-sanctioned harassment by the Government of Egypt against United States citizens, individuals in the United States, and their family members who are not United States citizens, in both Egypt and in the United States, and a determination as to whether such incidents constitute a pattern of acts of intimidation or harassment.

(E) A description of policy efforts to ensure that United States security assistance programs with Egypt are formulated in a manner that will avoid identification of the United States, through such programs, with governments that deny to their people internationally recognized human rights and fundamental freedoms, in accordance with section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304).

(2) FORM.—The report required by this subsection shall be submitted in unclassified form, but may include a separate classified annex.

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

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

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

SA 6083. 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 XII, add the following:

SEC. 1276. REVIEW OF LOAN SURCHARGE POLICY OF INTERNATIONAL MONETARY FUND.

(a) FINDINGS.—Congress finds as follows:

(1) The International Monetary Fund (in this section referred to as the ''IMF'') imposes a surcharge, in addition to standard interest and service fees, of 200 basis points on outstanding credit provided through its General Resources Account that exceeds 187.5 percent of the IMF country quota, and an additional 100 basis points if that credit has been outstanding for over 36 or 51 months, depending on the facility.

(2) According to the IMF, ''These level and time-based surcharges are intended to help mitigate credit risk by providing members with incentives to limit their demand for Fund assistance and encourage timely repurchases while at the same time generating income for the Fund to accumulate precautionary balances.''.

(3) According to a 2021 report by the European Network on Debt and Development, surcharges increase the average cost of borrowing from the IMF by over 64 percent for surcharged countries. Surcharges increased Ukraine's borrowing costs on its IMF lending program by nearly 27 percent, Jordan's by 72 percent, and Egypt's by over 104 percent.

(4) As a result of the invasion by the Russian Federation, the World Bank predicts that Ukraine will experience an economic contraction of 45 percent in 2022. Yet Ukraine is expected to pay the IMF an estimated $483,000,000 in surcharges from 2021 through 2027.

(5) The Ukraine Comprehensive Debt Payment Relief Act of 2022 (H.R. 7081), which requires the Department of Treasury to make efforts to secure debt relief for Ukraine, was passed by the House of Representatives on May 11, 2022, with overwhelming bipartisan support, by a vote of 362 Yeas to 56 Nays.

(6) As a result of the war in Ukraine and other factors, the World Bank predicted that global growth rates will slow to 2.9 percent in 2022, down nearly half from 2021. External public debt of developing economies is at record levels, and the World Bank, the IMF, and the United Nations have all warned of coming defaults and a potential global debt crisis. As food and energy prices rise, the World Food Program has estimated that 750,000 people are at immediate risk of starvation or death, and 323,000,000 people may experience acute food insecurity before the end of the year.

(7) Since 2020, the number of countries paying surcharges to the IMF has increased from 9 to 16. A December 2021 IMF policy paper notes that under the IMF's model-based World Economic Outlook scenario ''the number of surcharge-paying members would increase to 38 in FY 2024 and FY 2025'' and that under the Fund's ''adverse scenario, the number of surcharge-paying members and the amount of surcharge income would increase even more sharply''.

(8) An April 2022 brief from the United Nations Global Crisis Response Group on Food, Energy and Finance on the impacts of the war in Ukraine on developing countries called for the immediate suspension of surcharge payments for a minimum of 2 years, because ''[s]urcharges do not make sense during a global crisis since the need for more financing does not stem from national conditions but from the global economy shock''.

(b) REVIEW OF SURCHARGE POLICY AT THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the United States to—

(1) initiate an immediate review by the IMF of the surcharge policy of the IMF to be completed, and its results and underlying data published, within 365 days; and

(2) suspend and waive surcharge payments during the pendency of the review.

(c) COMPONENTS OF THE REVIEW OF SURCHARGE POLICY.—The review referred to in subsection (b) should include the following:

(1) A borrower-by-borrower analysis of surcharges in terms of cost and as a percentage of national spending on debt service on IMF loans, food security, and health for the 5-year period beginning at the start of the COVID–19 pandemic.

(2) Evaluation of the policy's direct impact on—

(A) disincentivizing large and prolonged reliance on IMF credit;

(B) mitigating the credit risks taken by the IMF;

(C) improving borrower balance of payments and debt sustainability, particularly during periods of contraction, unrest, and pandemic;

(D) promoting fiscally responsible policy reforms;

(E) disincentivizing borrowers from seeking opaque and potentially predatory bilateral loans; and

(F) improving the ability of borrowers to repay private creditors and access the private credit market.

(3) Recommendations for—

(A) identifying alternative sources of funding for the IMF's precautionary balances that prioritize stable funding sources and equitable burden-sharing among IMF members; and

(B) determining whether the IMF should maintain, reform, temporarily suspend, or eliminate the use of surcharges.

(d) CONSULTATIONS.—The review referred to in subsection (b) must incorporate extensive consultation with relevant experts, particularly those from countries that are currently paying or have recently paid surcharges. Those experts should include government officials responsible for overseeing economic development, social services, and defense, United Nations officials, economic research institutes, academics, and civil society organizations.

SA 6084. 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 end, add the following:

DIVISION E—OFFICES OF COUNTERING WEAPONS OF MASS DESTRUCTION AND HEALTH SECURITY

SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

TITLE I—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

SEC. 5101. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

(a) HOMELAND SECURITY ACT OF 2002.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 590 et seq.) is amended—

(1) in section 1901 (6 U.S.C. 591)—

(A) in subsection (c), by amending paragraphs (1) and (2) to read as follows:

''(1) matters and strategies pertaining to—

''(A) weapons of mass destruction; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

''(2) coordinating the efforts of the Department to counter—

''(A) weapons of mass destruction; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats.''; and

(B) by striking subsection (e);

(2) by amending section 1921 (6 U.S.C. 591g) to read as follows:

''SEC. 1921. MISSION OF THE OFFICE.

''The Office shall be responsible for—

''(1) coordinating the efforts of the Department to counter—

''(A) weapons of mass destruction; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

''(2) enhancing the ability of Federal, State, local, Tribal, and territorial partners to prevent, detect, protect against, and mitigate the impacts of attacks using—

''(A) weapons of mass destruction against the United States; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats against the United States.'';

(3) in section 1922 (6 U.S.C. 591h)—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(4) in section 1923 (6 U.S.C. 592)—

(A) by redesignating subsections (a) and (b) as subsections (b) and (d), respectively;

(B) by inserting before subsection (b), as so redesignated, the following:

''(a) OFFICE RESPONSIBILITIES.—

''(1) IN GENERAL.—For the purposes of coordinating the efforts of the Department to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

''(A) provide expertise and guidance to Department leadership and components on chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G);

''(B) in coordination with the Office for Strategy, Policy, and Plans, lead development of policies and strategies to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats on behalf of the Department;

''(C) identify, assess, and prioritize capability gaps relating to the strategic and mission objectives of the Department for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(D) in coordination with the Office of Intelligence and Analysis, support components of the Department, and Federal, State, local, Tribal, and territorial partners, provide intelligence and information analysis and reports on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(E) in consultation with the Science and Technology Directorate, assess risk to the United States from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(F) lead development and prioritization of Department requirements to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G), which requirements shall be—

''(i) developed in coordination with end users; and

''(ii) reviewed by the Joint Requirements Council, as directed by the Secretary;

''(G) in coordination with the Science and Technology Directorate, direct, fund, and coordinate capability development activities to counter weapons of mass destruction and all chemical, biological, radiological, nuclear, and other related emerging threats research, development, test, and evaluation matters, including research, development, testing, and evaluation expertise, threat characterization, technology maturation, prototyping, and technology transition;

''(H) acquire, procure, and deploy counter weapons of mass destruction capabilities, and serve as the lead advisor of the Department on component acquisition, procurement, and deployment of counter-weapons of mass destruction capabilities;

''(I) in coordination with the Office of Health Security, support components of the Department, and Federal, State, local, Tribal, and territorial partners on chemical, biological, radiological, nuclear, and other related emerging threats health matters;

''(J) provide expertise on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats to Department and Federal partners to support engagements and efforts with international partners subject to the research, development, testing, and evaluation coordination requirement under subparagraph (G); and

''(K) carry out any other duties assigned to the Office by the Secretary.

''(2) DETECTION AND REPORTING.—For purposes of the detection and reporting responsibilities of the Office for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

''(A) in coordination with end users, including State, local, Tribal, and territorial partners, as appropriate—

''(i) carry out a program to test and evaluate technology, in consultation with the Science and Technology Directorate, to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material, in coordination with other Federal agencies, as appropriate, and establish performance metrics to evaluate the effectiveness of individual detectors and detection systems in detecting those weapons or material—

''(I) under realistic operational and environmental conditions; and

''(II) against realistic adversary tactics and countermeasures;

''(B) in coordination with end users, conduct, support, coordinate, and encourage a transformational program of research and development to generate and improve technologies to detect, protect against, and report on the illicit entry, transport, assembly, or potential use within the United States of weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material, and coordinate with the Under Secretary for Science and Technology on research and development efforts relevant to the mission of the Office and the Under Secretary for Science and Technology;

''(C) before carrying out operational testing under subparagraph (A), develop a testing and evaluation plan that articulates the requirements for the user and describes how these capability needs will be tested in developmental test and evaluation and operational test and evaluation;

''(D) as appropriate, develop, acquire, and deploy equipment to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material in support of Federal, State, local, Tribal, and territorial governments;

''(E) support and enhance the effective sharing and use of appropriate information on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats and related emerging issues generated by elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), law enforcement agencies, other Federal agencies, State, local, Tribal, and territorial governments, and foreign governments, as well as provide appropriate information to those entities;

''(F) consult, as appropriate, with the Federal Emergency Management Agency and other departmental components, on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats and efforts to mitigate, prepare, and respond to all threats in support of the State, local, and Tribal communities; and

''(G) perform other duties as assigned by the Secretary.'';

(C) in subsection (b), as so redesignated—

(i) in the subsection heading, by striking ''MISSION'' and inserting ''RADIOLOGICAL AND NUCLEAR RESPONSIBILITIES'';

(ii) in paragraph (1)—

(I) by inserting ''deploy,'' after ''acquire,''; and

(II) by striking ''deployment'' and inserting ''operations'';

(iii) by striking paragraphs (6) through (10);

(iv) redesignating paragraphs (11) and (12) as paragraphs (6) and (7), respectively;

(v) in paragraph (6)(B), as so redesignated, by striking ''national strategic five-year plan referred to in paragraph (10)'' and inserting ''United States national technical nuclear forensics strategic planning'';

(vi) in paragraph (7)(C)(v), as so redesignated—

(I) in the matter preceding subclause (I), by inserting ''except as otherwise provided,'' before ''require''; and

(II) in subclause (II)—

(aa) in the matter preceding item (aa), by striking ''death or disability'' and inserting ''death, disability, or a finding of good cause as determined by the Assistant Secretary (including extreme hardship, extreme need, or the needs of the Office) and for which the Assistant Secretary may grant a waiver of the repayment obligation''; and

(bb) in item (bb), by adding ''and'' at the end;

(vii) by striking paragraph (13); and

(viii) by redesignating paragraph (14) as paragraph (8); and

(D) by inserting after subsection (b), as so redesignated, the following:

''(c) CHEMICAL AND BIOLOGICAL RESPONSIBILITIES.—The Office—

''(1) shall be responsible for coordinating with other Federal efforts to enhance the ability of Federal, State, local, and Tribal governments to prevent, detect, protect against, and mitigate the impacts of chemical and biological threats against the United States; and

''(2) shall—

''(A) serve as a primary entity of the Federal Government to further develop, acquire, deploy, and support the operations of a national biosurveillance system in support of Federal, State, local, Tribal, and territorial governments, and improve that system over time;

''(B) enhance the chemical and biological detection efforts of Federal, State, local, Tribal, and territorial governments and provide guidance, tools, and training to help ensure a managed, coordinated response; and

''(C) collaborate with the Biomedical Advanced Research and Development Authority, the Office of Health Security, the Defense Advanced Research Projects Agency, and the National Aeronautics and Space Administration, and other relevant Federal stakeholders, and receive input from industry, academia, and the national laboratories on chemical and biological surveillance efforts.'';

(5) in section 1924 (6 U.S.C. 593), by striking ''section 11011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).'' and inserting ''section 4092 of title 10, United States Code, except that the authority shall be limited to facilitate the recruitment of experts in the chemical, biological, radiological, or nuclear specialties.'';

(6) in section 1927(a)(1)(C) (6 U.S.C. 596a(a)(1)(C))—

(A) in clause (i), by striking ''required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010'';

(B) in clause (ii), by striking ''and'' at the end;

(C) in clause (iii), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) includes any other information regarding national technical nuclear forensics activities carried out under section 1923.'';

(7) in section 1928 (6 U.S.C. 596b)—

(A) in subsection (a), by striking ''high-risk urban areas'' and inserting ''jurisdictions designated under subsection (c)'';

(B) in subsection (c)(1), by striking ''from among high-risk urban areas under section 2003'' and inserting ''based on the capability and capacity of the jurisdiction, as well as the relative threat, vulnerability, and consequences from terrorist attacks and other high-consequence events utilizing nuclear or other radiological materials''; and

(C) by striking subsection (d) and inserting the following:

''(d) REPORT.—Not later than 2 years after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall submit to the appropriate congressional committees an update on the STC program.''; and

(8) by adding at the end the following:

''SEC. 1929. ACCOUNTABILITY.

''(a) DEPARTMENTWIDE STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, which should—

''(A) have clearly identified authorities, specified roles, objectives, benchmarks, accountability, and timelines;

''(B) incorporate the perspectives of non-Federal and private sector partners; and

''(C) articulate how the Department will contribute to relevant national-level strategies and work with other Federal agencies.

''(2) CONSIDERATION.—The Secretary shall appropriately consider weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats when creating the strategy and implementation plan required under paragraph (1).

''(3) REPORT.—The Office shall submit to the appropriate congressional committees a report on the updated Departmentwide strategy and implementation plan required under paragraph (1).

''(b) DEPARTMENTWIDE BIODEFENSE REVIEW AND STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary, in consultation with appropriate stakeholders representing Federal, State, Tribal, territorial, academic, private sector, and nongovernmental entities, shall conduct a Departmentwide review of biodefense activities and strategies.

''(2) REVIEW.—The review required under paragraph (1) shall—

''(A) identify with specificity the biodefense lines of effort of the Department, including relating to biodefense roles, responsibilities, and capabilities of components and offices of the Department;

''(B) assess how such components and offices coordinate internally and with public and private partners in the biodefense enterprise;

''(C) identify any policy, resource, capability, or other gaps in the Department's ability to assess, prevent, protect against, and respond to biological threats; and

''(D) identify any organizational changes or reforms necessary for the Department to effectively execute its biodefense mission and role, including with respect to public and private partners in the biodefense enterprise.

''(3) STRATEGY.—Not later than 1 year after completion of the review required under paragraph (1), the Secretary shall issue a biodefense strategy for the Department that—

''(A) is informed by such review and is aligned with section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104; relating to the development of a national biodefense strategy and associated implementation plan, including a review and assessment of biodefense policies, practices, programs, and initiatives) or any successor strategy; and

''(B) shall—

''(i) describe the biodefense mission and role of the Department, as well as how such mission and role relates to the biodefense lines of effort of the Department;

''(ii) clarify, as necessary, biodefense roles, responsibilities, and capabilities of the components and offices of the Department involved in the biodefense lines of effort of the Department;

''(iii) establish how biodefense lines of effort of the Department are to be coordinated within the Department;

''(iv) establish how the Department engages with public and private partners in the biodefense enterprise, including other Federal agencies, national laboratories and sites, and State, local, Tribal, and territorial entities, with specificity regarding the frequency and nature of such engagement by Department components and offices with State, local, Tribal and territorial entities; and

''(v) include information relating to—

''(I) milestones and performance metrics that are specific to the biodefense mission and role of the Department described in clause (i); and

''(II) implementation of any operational changes necessary to carry out clauses (iii) and (iv).

''(4) PERIODIC UPDATE.—Beginning not later than 5 years after the issuance of the biodefense strategy and implementation plans required under paragraph (3), and not less often than once every 5 years thereafter, the Secretary shall review and update, as necessary, such strategy and plans.

''(5) CONGRESSIONAL OVERSIGHT.—Not later than 30 days after the issuance of the biodefense strategy and implementation plans required under paragraph (3), the Secretary shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding such strategy and plans.

''(c) EMPLOYEE MORALE.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Office shall submit to and brief the appropriate congressional committees on a strategy and plan to continuously improve morale within the Office.

''(d) COMPTROLLER GENERAL.—Not later than 1 year after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Comptroller General of the United States shall conduct a review of and brief the appropriate congressional committees on—

''(1) the efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, including research and development;

''(2) the consistency and effectiveness of stakeholder coordination across the mission of the Department, including operational and support components of the Department and State and local entities; and

''(3) the efforts of the Office to manage and coordinate the lifecycle of research and development within the Office and with other components of the Department, including the Science and Technology Directorate.

''(e) NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE.—

''(1) STUDY.—The Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a consensus study and report to the Secretary and the appropriate congressional committees on—

''(A) the role of the Department in preparing, detecting, and responding to biological and health security threats to the homeland;

''(B) recommendations to improve departmental biosurveillance efforts against biological threats, including any relevant biological detection methods and technologies; and

''(C) the feasibility of different technological advances for biodetection compared to the cost, risk reduction, and timeliness of those advances.

''(2) BRIEFING.—Not later than 1 year after the date on which the Secretary receives the report required under paragraph (1), the Secretary shall brief the appropriate congressional committees on—

''(A) the implementation of the recommendations included in the report; and

''(B) the status of biological detection at the Department, and, if applicable, timelines for the transition from Biowatch to updated technology.

''(f) ADVISORY COUNCIL.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall establish an advisory body to advise on the ongoing coordination of the efforts of the Department to counter weapons of mass destruction, to be known as the Advisory Council for Countering Weapons of Mass Destruction (in this subsection referred to as the 'Advisory Council').

''(2) MEMBERSHIP.—The members of the Advisory Council shall—

''(A) be appointed by the Assistant Secretary; and

''(B) to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of officials, from State, local, and Tribal governments, academia, the private sector, national laboratories, and nongovernmental organizations, including, as appropriate—

''(i) members selected from the emergency management field and emergency response providers;

''(ii) State, local, and Tribal government officials;

''(iii) experts in the public and private sectors with expertise in chemical, biological, radiological, and nuclear agents and weapons;

''(iv) representatives from the national laboratories; and

''(v) such other individuals as the Assistant Secretary determines to be appropriate.

''(3) RESPONSIBILITIES.— The Advisory Council shall—

''(A) advise the Assistant Secretary on all aspects of countering weapons of mass destruction;

''(B) incorporate State, local, and Tribal government, national laboratories, and private sector input in the development of the strategy and implementation plan of the Department for countering weapons of mass destruction; and

''(C) establish performance criteria for a national biological detection system and review the testing protocol for biological detection prototypes.

''(4) CONSULTATION.—To ensure input from and coordination with State, local, and Tribal governments, the Assistant Secretary shall regularly consult and work with the Advisory Council on the administration of Federal assistance provided by the Department, including with respect to the development of requirements for countering weapons of mass destruction programs, as appropriate.

''(5) VOLUNTARY SERVICE.—The members of the Advisory Council shall serve on the Advisory Council on a voluntary basis.

''(6) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.''.

(b) COUNTERING WEAPONS OF MASS DESTRUCTION ACT OF 2018.—Section 2 of the Countering Weapons of Mass Destruction Act of 2018 (Public Law 115–387; 132 Stat. 5162) is amended—

(1) in subsection (b)(2) (6 U.S.C. 591 note), by striking ''1927'' and inserting ''1926''; and

(2) in subsection (g) (6 U.S.C. 591 note)—

(A) in the matter preceding paragraph (1), by striking ''one year after the date of the enactment of this Act, and annually thereafter,'' and inserting ''June 30 of each year,''; and

(B) in paragraph (2), by striking ''Security, including research and development activities'' and inserting ''Security''.

(c) SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT OF 2006.—The Security and Accountability for Every Port Act of 2006 (6 U.S.C. 901 et seq.) is amended—

(1) in section 1(b) (Public Law 109–347; 120 Stat 1884), by striking the item relating to section 502; and

(2) by striking section 502 (6 U.S.C. 592a).

SEC. 5102. RULE OF CONSTRUCTION.

Nothing in this title or the amendments made by this title shall be construed to affect or diminish the authorities or responsibilities of the Under Secretary for Science and Technology.

TITLE II—OFFICE OF HEALTH SECURITY

SEC. 5201. OFFICE OF HEALTH SECURITY.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103 (6 U.S.C. 113)—

(A) in subsection (a)(2)—

(i) by striking ''the Assistant Secretary for Health Affairs,''; and

(ii) by striking ''Affairs, or'' and inserting ''Affairs or''; and

(B) in subsection (d), by adding at the end the following:

''(6) A Chief Medical Officer.'';

(2) by adding at the end the following:

''TITLE XXIII—OFFICE OF HEALTH SECURITY'';

(3) by redesignating section 1931 (6 U.S.C. 597) as section 2301 and transferring such section to appear after the heading for title XXIII, as added by paragraph (2); and

(4) in section 2301, as so redesignated—

(A) in the section heading, by striking ''**CHIEF MEDICAL OFFICER**'' and inserting ''**OFFICE OF HEALTH SECURITY**'';

(B) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—There is established in the Department an Office of Health Security.

''(b) HEAD OF OFFICE OF HEALTH SECURITY.—The Office of Health Security shall be headed by a chief medical officer, who shall—

''(1) be the Assistant Secretary for Health Security and the Chief Medical Officer of the Department;

''(2) be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health;

''(3) be appointed by the President; and

''(4) report directly to the Secretary.'';

(C) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''medical issues related to natural disasters, acts of terrorism, and other man-made disasters'' and inserting ''oversight of all medical, public health, and workforce health and safety matters of the Department'';

(ii) in paragraph (1), by striking '', the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials'' and inserting ''and all other Department officials'';

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

(iv) by redesignating paragraph (5) as paragraph (13); and

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

''(5) overseeing all medical and public health activities of the Department, including the delivery, advisement, and oversight of direct patient care and the organization, management, and staffing of component operations that deliver direct patient care;

''(6) advising the head of each component of the Department that delivers direct patient care regarding the recruitment and appointment of a component chief medical officer and deputy chief medical officer or the employee who functions in the capacity of chief medical officer and deputy chief medical officer;

''(7) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding knowledge and skill standards for medical personnel and the assessment of that knowledge and skill;

''(8) advising the Secretary and the head of each component of the Department that delivers patient care regarding the collection, storage, and oversight of medical records;

''(9) with respect to any psychological health counseling or assistance program of the Department, including such a program of a law enforcement, operational, or support component of the Department, advising the head of each such component with such a program regarding—

''(A) ensuring such program includes safeguards against adverse action, including automatic referrals for a fitness for duty examination, by such component with respect to any employee solely because such employee self-identifies a need for psychological health counseling or assistance or receives such counseling or assistance;

''(B) increasing the availability and number of local psychological health professionals with experience providing psychological support services to personnel;

''(C) establishing a behavioral health curriculum for employees at the beginning of their careers to provide resources early regarding the importance of psychological health;

''(D) establishing periodic management training on crisis intervention and such component's psychological health counseling or assistance program;

''(E) improving any associated existing employee peer support programs, including by making additional training and resources available for peer support personnel in the workplace across such component;

''(F) developing and implementing a voluntary alcohol treatment program that includes a safe harbor for employees who seek treatment;

''(G) including, when appropriate, collaborating and partnering with key employee stakeholders and, for those components with employees with an exclusive representative, the exclusive representative with respect to such a program;

''(10) in consultation with the Chief Information Officer of the Department—

''(A) identifying methods and technologies for managing, updating, and overseeing patient records; and

''(B) setting standards for technology used by the components of the Department regarding the collection, storage, and oversight of medical records;

''(11) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding contracts for the delivery of direct patient care, other medical services, and medical supplies;

''(12) coordinating with the Countering Weapons of Mass Destruction Office and

other components of the Department as directed by the Secretary to enhance the ability of Federal, State, local, Tribal, and territorial governments to prevent, detect, protect against, and mitigate the health effects of chemical, biological, radiological, and nuclear issues; and''; and

(D) by adding at the end the following:

''(d) ASSISTANCE AND AGREEMENTS.—The Secretary, acting through the Chief Medical Officer, in support of the medical and public health activities of the Department, may—

''(1) provide technical assistance, training, and information and distribute funds through grants and cooperative agreements to State, local, Tribal, and territorial governments and nongovernmental organizations;

''(2) enter into other transactions;

''(3) enter into agreements with other Federal agencies; and

''(4) accept services from personnel of components of the Department and other Federal agencies on a reimbursable or nonreimbursable basis.

''(e) OFFICE OF HEALTH SECURITY PRIVACY OFFICER.—There shall be a Privacy Officer in the Office of Health Security with primary responsibility for privacy policy and compliance within the Office, who shall—

''(1) report directly to the Chief Medical Officer; and

''(2) ensure privacy protections are integrated into all Office of Health Security activities, subject to the review and approval of the Privacy Officer of the Department to the extent consistent with the authority of the Privacy Officer of the Department under section 222.

''(f) ACCOUNTABILITY.—

''(1) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this section, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to address health threats.

''(2) BRIEFING.—Not later than 90 days after the date of enactment of this section, the Secretary shall brief the appropriate congressional committees on the organizational transformations of the Office of Health Security, including how best practices were used in the creation of the Office of Health Security.'';

(5) by redesignating section 710 (6 U.S.C. 350) as section 2302 and transferring such section to appear after section 2301, as so redesignated;

(6) in section 2302, as so redesignated—

(A) in the section heading, by striking ''**MEDICAL SUPPORT**'' and inserting ''**SAFETY**'';

(B) in subsection (a), by striking ''Under Secretary for Management'' each place that term appears and inserting ''Chief Medical Officer''; and

(C) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''Under Secretary for Management, in coordination with the Chief Medical Officer,'' and inserting ''Chief Medical Officer''; and

(ii) in paragraph (3), by striking ''as deemed appropriate by the Under Secretary,'';

(7) by redesignating section 528 (6 U.S.C. 321q) as section 2303 and transferring such section to appear after section 2302, as so redesignated; and

(8) in section 2303(a), as so redesignated, by striking ''Assistant Secretary for the Countering Weapons of Mass Destruction Office'' and inserting ''Chief Medical Officer''.

(b) TRANSITION AND TRANSFERS.—

(1) TRANSITION.—The individual appointed pursuant to section 1931 of the Homeland Security Act of 2002 (6 U.S.C. 597) of the Department of Homeland Security, as in effect on the day before the date of enactment of this Act, and serving as the Chief Medical Officer of the Department of Homeland Security on the day before the date of enactment of this Act, shall continue to serve as the Chief Medical Officer of the Department on and after the date of enactment of this Act without the need for reappointment.

(2) RULE OF CONSTRUCTION.—The rule of construction described in section 2(hh) of the Presidential Appointment Efficiency and Streamlining Act of 2011 (5 U.S.C. 3132 note) shall not apply to the Chief Medical Officer of the Department of Homeland Security, including the incumbent who holds the position on the day before the date of enactment of this Act, and such officer shall be paid pursuant to section 3132(a)(2) or 5315 of title 5, United States Code.

(3) TRANSFER.—The Secretary of Homeland Security shall transfer to the Chief Medical Officer of the Department of Homeland Security—

(A) all functions, personnel, budget authority, and assets of the Under Secretary for Management relating to workforce health and safety, as in existence on the day before the date of enactment of this Act;

(B) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office relating to the Chief Medical Officer, including the Medical Operations Directorate of the Countering Weapons of Mass Destruction Office, as in existence on the day before the date of enactment of this Act; and

(C) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office associated with the efforts pertaining to the program coordination activities relating to defending the food, agriculture, and veterinary defenses of the Office, as in existence on the day before the date of enactment of this Act.

SEC. 5202. MEDICAL COUNTERMEASURES PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by redesignating section 1932 (6 U.S.C. 597a) as section 2304 and transferring such section to appear after section 2303, as so redesignated by section 5201 of this division.

SEC. 5203. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

Title XXIII of the Homeland Security Act of 2002, as added by this division, is amended by adding at the end the following:

''SEC. 2305. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

''(a) DEFINITIONS.—In this section:

''(1) HEALTH CARE PROVIDER.—The term 'health care provider' means an individual who—

''(A) is—

''(i) an employee of the Department;

''(ii) a detailee to the Department from another Federal agency;

''(iii) a personal services contractor of the Department; or

''(iv) hired under a contract for services;

''(B) performs health care services as part of duties of the individual in that capacity; and

''(C) has a current, valid, and unrestricted license or certification—

''(i) that is issued by a State, the District of Columbia, or a commonwealth, territory, or possession of the United States; and

''(ii) that is for the practice of medicine, osteopathic medicine, dentistry, nursing, emergency medical services, or another health profession.

''(2) MEDICAL QUALITY ASSURANCE PROGRAM.—The term 'medical quality assurance program' means any activity carried out by the Department to assess the quality of medical care, including activities conducted by individuals, committees, or other review bodies responsible for quality assurance, credentials, infection control, incident reporting, the delivery, advisement, and oversight of direct patient care and assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review, and identification and prevention of medical, mental health, or dental incidents and risks.

''(3) MEDICAL QUALITY ASSURANCE RECORD OF THE DEPARTMENT.—The term 'medical quality assurance record of the Department' means all information, including the proceedings, records (including patient records that the Department creates and maintains as part of a system of records), minutes, and reports that—

''(A) emanate from quality assurance program activities described in paragraph (2); and

''(B) are produced or compiled by the Department as part of a medical quality assurance program.

''(b) CONFIDENTIALITY OF RECORDS.—A medical quality assurance record of the Department that is created as part of a medical quality assurance program—

''(1) is confidential and privileged; and

''(2) except as provided in subsection (d), may not be disclosed to any person or entity.

''(c) PROHIBITION ON DISCLOSURE AND TESTIMONY.—Except as otherwise provided in this section—

''(1) no part of any medical quality assurance record of the Department may be subject to discovery or admitted into evidence in any judicial or administrative proceeding; and

''(2) an individual who reviews or creates a medical quality assurance record of the Department or who participates in any proceeding that reviews or creates a medical quality assurance record of the Department may not be permitted or required to testify in any judicial or administrative proceeding with respect to the record or with respect to any finding, recommendation, evaluation, opinion, or action taken by that individual in connection with the record.

''(d) AUTHORIZED DISCLOSURE AND TESTIMONY.—

''(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record of the Department may be disclosed, and a person described in subsection (c)(2) may give testimony in connection with the record, only as follows:

''(A) To a Federal agency or private organization, if the medical quality assurance record of the Department or testimony is needed by the Federal agency or private organization to—

''(i) perform licensing or accreditation functions related to Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services; or

''(ii) perform monitoring, required by law, of Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services.

''(B) To an administrative or judicial proceeding concerning an adverse action related to the credentialing of or health care provided by a present or former health care provider by the Department.

''(C) To a governmental board or agency or to a professional health care society or organization, if the medical quality assurance record of the Department or testimony is needed by the board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health

care provider who is or was a health care provider for the Department.

''(D) To a hospital, medical center, or other institution that provides health care services, if the medical quality assurance record of the Department or testimony is needed by the institution to assess the professional qualifications of any health care provider who is or was a health care provider for the Department and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

''(E) To an employee, a detailee, or a contractor of the Department who has a need for the medical quality assurance record of the Department or testimony to perform official duties or duties within the scope of their contract.

''(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of the agency or instrumentality makes a written request that the medical quality assurance record of the Department or testimony be provided for a purpose authorized by law.

''(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality described in subparagraph (F), but only with respect to the subject of the proceeding.

''(2) PERSONALLY IDENTIFIABLE INFORMATION.—

''(A) IN GENERAL.—With the exception of the subject of a quality assurance action, personally identifiable information of any person receiving health care services from the Department or of any other person associated with the Department for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record of the Department shall be deleted from that record before any disclosure of the record is made outside the Department.

''(B) APPLICATION.—The requirement under subparagraph (A) shall not apply to the release of information that is permissible under section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974').

''(e) DISCLOSURE FOR CERTAIN PURPOSES.—Nothing in this section shall be construed—

''(1) to authorize or require the withholding from any person or entity aggregate statistical information regarding the results of medical quality assurance programs; or

''(2) to authorize the withholding of any medical quality assurance record of the Department from a committee of either House of Congress, any joint committee of Congress, or the Comptroller General of the United States if the record pertains to any matter within their respective jurisdictions.

''(f) PROHIBITION ON DISCLOSURE OF INFORMATION, RECORD, OR TESTIMONY.—A person or entity having possession of or access to a medical quality assurance record of the Department or testimony described in this section may not disclose the contents of the record or testimony in any manner or for any purpose except as provided in this section.

''(g) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—A medical quality assurance record of the Department shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the 'Freedom of Information Act').

''(h) LIMITATION ON CIVIL LIABILITY.—A person who participates in the review or creation of, or provides information to a person or body that reviews or creates, a medical quality assurance record of the Department shall not be civilly liable for that participation or for providing that information if the participation or provision of information was provided in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

''(i) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including the medical record of a patient, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

''(j) PENALTY.—Any person who willfully discloses a medical quality assurance record of the Department other than as provided in this section, knowing that the record is a medical quality assurance record of the Department shall be fined not more than $3,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.

''(k) RELATIONSHIP TO COAST GUARD.—The requirements of this section shall not apply to any medical quality assurance record of the Department that is created by or for the Coast Guard as part of a medical quality assurance program.''.

SEC. 5204. PORTABILITY OF LICENSURE.

(a) TRANSFER.—Section 16005 of the CARES Act (6 U.S.C. 320 note) is redesignated as section 2306 of the Homeland Security Act of 2002 and transferred so as to appear after section 2305, as added by section 5203 of this division.

(b) REPEAL.—Section 2306 of the Homeland Security Act of 2002, as so redesignated by subsection (a), is amended by striking subsection (c).

SEC. 5205. TECHNICAL AND CONFORMING AMENDMENTS.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in the table of contents in section 1(b) (Public Law 107–296; 116 Stat. 2135)—

(A) by striking the items relating to sections 528 and 529 and inserting the following:

''Sec. 528. Transfer of equipment during a public health emergency.'';

(B) by striking the items relating to sections 710, 711, 712, and 713 and inserting the following:

''Sec. 710. Employee engagement.
''Sec. 711. Annual employee award program.
''Sec. 712. Acquisition professional career program.'';

(C) by inserting after the item relating to section 1928 the following:

''Sec. 1929. Accountability.'';

(D) by striking the items relating to subtitle C of title XIX and sections 1931 and 1932; and

(E) by adding at the end the following:

''TITLE XXIII—OFFICE OF HEALTH SECURITY

''Sec. 2301. Office of Health Security.
''Sec. 2302. Workforce health and safety.
''Sec. 2303. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.
''Sec. 2304. Medical countermeasures program.
''Sec. 2305. Confidentiality of medical quality assurance records.
''Sec. 2306. Portability of licensure.'';

(2) by redesignating section 529 (6 U.S.C. 321r) as section 528;

(3) in section 704(e)(4) (6 U.S.C. 344(e)(4)), by striking ''section 711(a)'' and inserting ''section 710(a))'';

(4) by redesignating sections 711, 712, and 713 as sections 710, 711, and 712, respectively;

(5) in section 1923(b)(3) (6 U.S.C. 592(b)(3))—

(A) in the paragraph heading, by striking ''HAWAIIAN NATIVE-SERVING'' and inserting ''NATIVE HAWAIIAN-SERVING''; and

(B) by striking ''Hawaiian native-serving'' and inserting '' 'Native Hawaiian-serving'';

(6) by striking the subtitle heading for subtitle C of title XIX;

(7) by striking section 1932 (6 U.S.C. 597a); and

(8) in section 2306, as so redesignated by section 5204 of this division—

(A) by inserting ''**PORTABILITY OF LICENSURE.**'' after ''2306.''; and

(B) in subsection (a), by striking ''(a) Notwithstanding'' and inserting the following:

''(a) IN GENERAL.—Notwithstanding''.

SA 6085. Mr. BLUMENTHAL (for himself, Mr. WYDEN, Ms. WARREN, Mr. KING, Mr. BENNET, Mrs. MURRAY, Ms. HIRONO, Mr. KAINE, Mr. DURBIN, Mr. BOOKER, Mr. HICKENLOOPER, Ms. KLOBUCHAR, Mr. VAN HOLLEN, Mr. SANDERS, Mrs. GILLIBRAND, Mrs. FEINSTEIN, Ms. COLLINS, Ms. BALDWIN, Mr. HEINRICH, and 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 G of title X, add the following:

SEC. 1077. LIMITATION ON COPAYMENTS FOR CONTRACEPTION FOR VETERANS.

Section 1722A(a)(2) of title 38, United States Code, is amended—

(1) by striking ''to pay'' and all that follows through the period and inserting ''to pay—''; and

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

''(A) an amount in excess of the cost to the Secretary for medication described in paragraph (1); or

''(B) an amount for any contraceptive item for which coverage under health insurance coverage is required without the imposition of any cost-sharing requirement pursuant to section 2713(a)(4) of the Public Health Service Act (42 U.S.C. 300gg–13(a)(4)).''.

SA 6086. Ms. HASSAN (for herself and 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 X, add the following:

Subtitle H—Mainstreaming Addiction Treatment

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''Mainstreaming Addiction Treatment Act of 2022''.

SEC. 1082. ELIMINATING SEPARATE REGISTRATION REQUIREMENT FOR DISPENSING NARCOTIC DRUGS IN SCHEDULES III, IV, AND V FOR MAINTENANCE OR DETOXIFICATION TREATMENT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) by striking paragraph (2);

(2) by striking ''(g)(1) Except as provided in paragraph (2), practitioners who dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment'' and inserting ''(g) Practitioners who dispense narcotic drugs (other than narcotic drugs in schedule III, IV, or V) to individuals for maintenance treatment or detoxification treatment'';

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(4) in paragraph (2), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(b) TECHNICAL AND CONFORMING EDITS.—

(1) Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(A) in subsection (a), by striking ''303(g)(1)'' each place it appears and inserting ''303(g)''; and

(B) in subsection (d)(1), by striking ''303(g)(1)'' and inserting ''303(g)''.

(2) Section 309A(a) of the Controlled Substances Act (21 U.S.C. 829a(a)) is amended by striking paragraph (2) and inserting the following:

''(2) the controlled substance—

''(A) is a narcotic drug in schedule III, IV, or V to be administered for the purpose of maintenance or detoxification treatment; and

''(B) is to be administered by injection or implantation;''.

(3) Section 520E–4(c) of the Public Health Service Act (42 U.S.C. 290bb–36d(c)) is amended, in the matter preceding paragraph (1), by striking ''information on any qualified practitioner that is certified to prescribe medication for opioid dependency under section 303(g)(2)(B) of the Controlled Substances Act'' and inserting ''information on any practitioner who prescribes narcotic drugs in schedule III, IV, or V of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) for the purpose of maintenance or detoxification treatment''.

(4) Section 544(a)(3) of the Public Health Service Act (42 U.S.C. 290dd–3(a)(3)) is amended by striking ''any practitioner dispensing narcotic drugs pursuant to section 303(g) of the Controlled Substances Act'' and inserting ''any practitioner dispensing narcotic drugs for the purpose of maintenance or detoxification treatment''.

(5) Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by striking subsection (bb).

(6) Section 1834(o) of the Social Security Act (42 U.S.C. 1395m(o)) is amended by striking paragraph (3).

(7) Section 1866F(c)(3) of the Social Security Act (42 U.S.C. 1395cc–6(c)(3)) is amended—

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

(B) in subparagraph (B), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (C).

(8) Section 1903(aa)(2)(C) of the Social Security Act (42 U.S.C. 1396b(aa)(2)(C)) is amended—

(A) in clause (i), by inserting ''and'' at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

SEC. 1083. NATIONAL EDUCATION CAMPAIGN.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, shall conduct a national campaign to educate practitioners with respect to the elimination of the separate registration requirement under section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)), as in effect on the day before the date of enactment of this Act, for dispensing narcotic drugs in schedule III, IV, and V for maintenance or detoxification treatment.

(b) REQUIRED COMPONENTS.—The national education campaign under subsection (a) shall—

(1) encourage practitioners to integrate substance use treatment into their practices; and

(2) include education on publicly available educational resources and training modules that can assist practitioners in treating patients with a substance use disorder.

SEC. 1084. COMMUNITY HEALTH AIDES AND COMMUNITY HEALTH PRACTITIONERS.

(a) PRACTICE OF TELEMEDICINE.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (54)(A), by striking clause (i) and inserting the following:

''(i) while the patient is—

''(I) being treated by, and physically located in, a hospital or clinic registered under section 303(f); or

''(II) for purposes of section 302(h), being treated by a community health aide or community health practitioner; and'';

(2) by redesignating paragraph (58) as paragraph (59);

(3) by redesignating the second paragraph designated as paragraph (57) (relating to the definition of ''serious drug felony'') as paragraph (58);

(4) by moving paragraphs (57), (58) (as so redesignated), and (59) (as so redesignated) 2 ems to the left; and

(5) by adding at the end the following:

''(60) The terms 'community health aide' and 'community health practitioner' have the meanings within the meaning of section 119 of the Indian Health Care Improvement Act (25 U.S.C. 1616l).''.

(b) DISPENSATION OF NARCOTIC DRUGS IN SCHEDULE III, IV, OR V.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

''(h) DISPENSATION OF NARCOTIC DRUGS IN SCHEDULE III, IV, OR V BY CERTAIN PRACTITIONERS.—

''(1) IN GENERAL.—Notwithstanding subsection (a)(2), a community health aide or community health practitioner may dispense a narcotic drug in schedule III, IV, or V, such as buprenorphine, or a combination of such drugs, to an individual for maintenance treatment or detoxification treatment (or both) without being registered under this title if the drug is prescribed by a practitioner through the practice of telemedicine.

''(2) PREEMPTION.—Notwithstanding section 708, a State may not require a community health aide or community health practitioner to be licensed by the State in order to dispense narcotic drugs in accordance with paragraph (1) of this subsection.''.

SA 6087. 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 subtitle G of title X, insert the following:

SEC. 10___. AMENDMENT TO REGULATIONS EXEMPTING ENGINES/EQUIPMENT FOR NATIONAL SECURITY.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the regulations under section 1068.225 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to specify that an engine or equipment is exempt under that section without a request described in that section if the engine or equipment—

(1) is for a marine vessel;

(2) has a rated horsepower of 60 or less; and

(3) will be owned by a Federal, State, or local emergency response or public safety agency responsible for domestic response or homeland security activities.

SA 6088. 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 G of title X, add the following:

SEC. 1077. MEMBERSHIP OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

Section 721(k)(2) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(2)) is amended—

(1) by redesignating subparagraphs (H) through (J) as subparagraphs (I) through (K), respectively; and

(2) by inserting after subparagraph (G) the following:

''(H) The Secretary of Agriculture.''.

SA 6089. 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 D of title XXXI, add the following:

SEC. 313_____. INCLUSION OF PHOSPHATE AND POTASH AS CRITICAL MINERALS.

The list of critical minerals published in the notice of the Secretary of the Interior entitled ''2022 Final List of Critical Minerals'' (87 Fed. Reg. 10381 (February 24, 2022)) shall be deemed to include phosphate and potash.

SA 6090. Mr. CASSIDY (for himself, Mr. WYDEN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and

Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. SENSE OF CONGRESS ON THREAT POSED BY ACTIVITIES OF TRANSNATIONAL CRIMINAL ORGANIZATIONS.

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

(1) Trade-based money laundering is among the most widely used and least understood forms of money laundering, disguising proceeds of crime by moving value through international trade transactions in an attempt to legitimize illicit origins of money or products.

(2) The transnational nature and complexity of trade-based money laundering make detection and investigation exceedingly difficult.

(3) Drug trafficking organizations, terrorist organizations, and other transnational criminal organizations have succeeded at trade-based money laundering despite the best efforts of United States law enforcement.

(4) Trade-based money laundering includes other offenses such as tax evasion, disruption of markets, profit loss for businesses, and corruption of government officials, and constitutes a persistent threat to the economy and security of the United States.

(5) Trade-based money laundering can result in the decreased collection of customs duties as a result of the undervaluation of imports and fraudulent cargo manifests.

(6) Trade-based money laundering can decrease tax revenue collected as a result of the sale of underpriced goods in the marketplace.

(7) Trade-based money laundering is one mechanism by which counterfeiters infiltrate supply chains, threatening the quality and safety of consumer, industrial, and military products.

(8) Drug trafficking organizations collaborate with Chinese criminal networks to launder profits from drug trafficking through Chinese messaging applications.

(9) On March 16, 2021, the Commander of the United States Southern Command, Admiral Faller, testified to the Committee on Armed Services of the Senate that transnational criminal organizations ''market in drugs and people and guns and illegal mining, and one of the prime sources that underwrites their efforts is Chinese money-laundering''.

(10) The deaths and violence associated with drug traffickers, the financing of terrorist organizations and other violent nonstate actors, and the adulteration of supply chains with counterfeit goods showcase the danger trade-based money laundering poses to the United States.

(11) Trade-based money laundering undermines national security and the rule of law in countries where it takes place.

(12) Illicit profits for transnational criminal organizations and other criminal organizations can lead to instability globally.

(13) The United States is facing a drug use and overdose epidemic, as well as an increase in consumption of synthetic drugs, such as methamphetamine and fentanyl, which is often enabled by Chinese money laundering organizations operating in coordination with drug-trafficking organizations and transnational criminal organizations in the Western Hemisphere that use trade-based money laundering to disguise the proceeds of drug trafficking.

(14) The presence of drug traffickers in the United States and their intrinsic connection to international threat networks, as well as the use of licit trade to further their motives, is a national security concern.

(15) Drug-trafficking organizations frequently use the trade-based money laundering scheme known as the ''Black Market Peso Exchange'' to move their ill-gotten gains out of the United States and into Central and South America.

(16) United States ports and U.S. Customs and Border Protection do not have the capacity to properly examine the 60,000,000 shipping containers that pass through United States ports annually, with only 2 to 5 percent of that cargo actively inspected.

(17) Trade-based money laundering can only be combated effectively if the intelligence community, law enforcement agencies, the Department of State, the Department of Defense, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and the private sector work together.

(18) Drug-trafficking organizations, terrorist organizations, and other transnational criminal organizations disguise the proceeds of their illegal activities behind sophisticated mechanisms that operate seamlessly between licit and illicit trade and financial transactions, making it almost impossible to address without international cooperation.

(19) Whereas the United States has established Trade Transparency Units with 18 partner countries, including with major drug-producing and transit countries, to facilitate the increased exchange of import-export data to combat trade-based money laundering.

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

(1) the activities of transnational criminal organizations and their networks, and the means by which such organizations and networks move and launder their ill-gotten gains, such as through the use of illicit economies, illicit trade, and trade-based money laundering, pose a threat to the national interests and national security of the United States and allies and partners of the United States around the world;

(2) in addition to considering the countering of illicit economies, illicit trade, and trade-based money laundering as a national priority and committing to detect, address, and prevent such activities, the President should—

(A) continue to assess, in the periodic national risk assessments on money laundering, terrorist financing, and proliferation financing conducted by the Department of the Treasury, the ongoing risks of trade-based money laundering;

(B) finalize the assessment described in the Explanatory Statement accompanying the Financial Services and General Government Appropriations Act, 2020 (division C of the Consolidated Appropriations Act, 2020 (Public Law 116–93)), which directs the Financial Crimes Enforcement Network of the Department of the Treasury to thoroughly assess the risk that trade-based money laundering and other forms of illicit finance pose to national security;

(C) work expeditiously to develop, finalize, and execute a strategy, as described in section 6506 of the Anti-Money Laundering Act of 2020 (title LXV of division F of Public Law 116–283; 134 Stat. 4631), drawing on the multiple instruments of United States national power available, to counter—

(i) the activities of transnational criminal organizations, including illicit trade and trade-based money laundering; and

(ii) the illicit economies such organizations operate in;

(D) coordinate with international partners to implement that strategy, exhorting those partners to strengthen their approaches to combating transnational criminal organizations; and

(E) review that strategy on a biennial basis and improve it as needed in order to most effectively address illicit economies, illicit trade, and trade-based money laundering by exploring the use of emerging technologies and other new avenues for interrupting and putting an end to those activities; and

(3) the Trade Transparency Unit program of the Department of Homeland Security should take steps to strengthen its work, including in countries that the Department of State has identified as major money laundering jurisdictions under section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h).

SA 6091. Ms. MURKOWSKI (for herself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe 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—CAPTA REAUTHORIZATION ACT OF 2022

SEC. 5001 SHORT TITLE.

This division may be cited as the ''CAPTA Reauthorization Act of 2022''.

SEC. 5002. AMENDED CAPTA TABLE OF CONTENTS.

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended—

(1) by striking section 2; and

(2) by amending the table of contents under section 1(b) to read as follows:

''TABLE OF CONTENTS

SEC. 5003. DEFINITIONS.

The Child Abuse Prevention and Treatment Act is amended by striking section 3 (42 U.S.C. 5101 note) and inserting the following:

''SEC. 2. DEFINITIONS.

''(a) IN GENERAL.—In this Act:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)

''(2) CHILD.—Subject to subsection (b)(2), the term 'child' means a person who has not attained the lesser of—

''(A) the age of 18; or

''(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides.

''(3) CHILD ABUSE AND NEGLECT.—The term 'child abuse and neglect' means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation (including sexual abuse as determined under paragraph (19)), or an act or failure to act which presents an imminent risk of serious harm.

''(4) CHILD WITH A DISABILITY.—The term 'child with a disability' means a child with a disability as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), or an infant or toddler with a disability as defined in section 632 of such Act (20 U.S.C. 1432).

''(5) CHILD OR YOUTH OVERREPRESENTED IN THE CHILD WELFARE SYSTEM.—The term 'child or youth overrepresented in the child welfare system' includes any children and youth who belong to populations who are the focus of research efforts authorized under section 404N of the Public Health Service Act (42 U.S.C. 283p) or described in the National Institutes of Health notice NOT–OD–19–139 issued on August 28, 2019.

''(6) COMMUNITY-BASED FAMILY STRENGTHENING SERVICES.—The term 'community-based family strengthening services' includes services that—

''(A) are provided by organizations carrying out programs such as family resource programs, family support programs, voluntary home visiting programs, respite care services programs, parenting education, mutual support programs for parents and children, parent partner programs, family advocate programs, and other community programs or networks of such programs; and

''(B) are designed to prevent or respond to child abuse and neglect and support families in building protective factors linked to the prevention of child abuse and neglect.

''(7) COMMUNITY REFERRAL SERVICES.—The term 'community referral services' means services provided under contract or through an interagency agreement to assist families in obtaining needed information, mutual support, and community resources, including respite care services, health care services (including mental health and substance use disorder services), employability development and workforce development, and other social services, including early developmental screening of children, through help lines or other methods.

''(8) FATALITY.—The term 'fatality', used with respect to a child fatality that is due to child abuse or neglect, means a fatality of a child that occurred—

''(A) due to an injury resulting from child abuse or neglect; or

''(B) where child abuse or neglect was a contributing factor to the cause of death.

''(9) GOVERNOR.—The term 'Governor' means the chief executive officer of a State.

''(10) HOMELESS CHILDREN AND YOUTH.—The term 'homeless children and youth' means an individual who is described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

''(11) INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian', 'Indian Tribe', and 'Tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(12) INDIVIDUALS WITH PERSONAL EXPERIENCE IN THE CHILD WELFARE SYSTEM.—The term 'individuals with personal experience in the child welfare system' means parents and youth with current or previous involvement in the child welfare system, kinship caregivers, foster and adoptive families, and adults who experienced child abuse or neglect as children.

''(13) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

''(14) NEAR FATALITY.—The term 'near fatality' means an act that, as certified by a physician, places a child in serious or critical condition.

''(15) PROTECTIVE FACTORS LINKED TO THE PREVENTION OF CHILD ABUSE AND NEGLECT.—The term 'protective factors linked to the prevention of child abuse and neglect' means evidence-based or evidence-informed factors that have been demonstrated to ensure that families are more likely to be healthy and strong and children are less likely to experience child abuse and neglect.

''(16) RESPITE CARE SERVICES.—The term 'respite care services' means services, including the services of crisis nurseries, that are—

''(A) provided in the temporary absence of the regular caregiver (meaning a parent, other relative, foster parent, adoptive parent, or guardian);

''(B) provided to children who—

''(i) are in danger of child abuse or neglect;

''(ii) have experienced child abuse or neglect; or

''(iii) have disabilities or chronic or terminal illnesses;

''(C) provided within or outside the home of the child;

''(D) short-term care (ranging from a few hours to a few weeks of time, per year); and

''(E) intended to enable the family to stay together and to keep the child living in the home and community of the child.

''(17) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(18) SERIOUS BODILY INJURY.—The term 'serious bodily injury' means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

''(19) SEXUAL ABUSE.—The term 'sexual abuse' includes—

''(A) the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; and

''(B) the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.

''(20) STATE.—Except as provided in section 106(g), the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(21) WITHHOLDING OF MEDICALLY INDICATED TREATMENT.—The term 'withholding of medically indicated treatment' means the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication), which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment—

''(A) the infant is chronically and irreversibly comatose;

''(B) the provision of such treatment would—

''(i) merely prolong dying;

''(ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

''(iii) otherwise be futile in terms of the survival of the infant; or

''(C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

''(b) SPECIAL RULE.—

''(1) IN GENERAL.—For purposes of paragraphs (3) and (19) of subsection (a), a child shall be considered a victim of child abuse and neglect or sexual abuse if the child is

identified, by an employee of the State or local agency involved, as being a victim of sex trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) or a victim of severe forms of trafficking in persons (as defined in such section 103).

''(2) STATE OPTION.—Notwithstanding the definition of 'child' under subsection (a)(2), for purposes of application of paragraph (1), a State may elect to define the term 'child' as a person who has not attained the age of 24.

''(c) RULE OF CONSTRUCTION.—In this Act, the term 'substance use disorder' includes alcohol use disorder.''.

TITLE LI—GENERAL PROGRAM

SEC. 5101. INTERAGENCY WORK GROUP ON CHILD ABUSE AND NEGLECT.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended to read as follows:

''SEC. 102. INTERAGENCY WORK GROUP ON CHILD ABUSE AND NEGLECT.

''(a) ESTABLISHMENT.—The Secretary may establish and operate an Interagency Work Group on Child Abuse and Neglect (referred to in this section as the 'Work Group').

''(b) COMPOSITION.—The Work Group shall be comprised of representatives from Federal agencies with responsibility for child abuse and neglect related programs and activities and other programs and activities that strengthen families and support child and family well-being.

''(c) DUTIES.—The Work Group shall—

''(1) coordinate Federal efforts and activities with respect to child abuse and neglect prevention and treatment, including data collection and reporting;

''(2) serve as a forum that convenes relevant Federal agencies to communicate and exchange ideas concerning child abuse and neglect related programs and activities and other programs and activities that strengthen families and support child and family well-being;

''(3) work to maximize Federal resources to address child abuse and neglect in areas of critical needs for the field, such as—

''(A) improving research;

''(B) focusing on prevention of child abuse and neglect;

''(C) addressing racial bias and disparities in the child welfare system;

''(D) enhancing child welfare professionals' understanding of trauma-informed practices that prevent and mitigate the effects of trauma and adverse childhood experiences;

''(E) identifying actions the child protective services system, other public agencies, and community-based organizations can take to develop alternative pathways to connect families experiencing difficulty meeting basic needs or other risk factors associated with child abuse and neglect to community-based family strengthening services to prevent child abuse and neglect in order to safely reduce the number of families unnecessarily involved in such system; and

''(F) addressing the links between child abuse and neglect and domestic violence; and

''(4) consult with experts in the child protective services field and individuals with personal experience in the child welfare system.''.

SEC. 5102. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended to read as follows:

''SEC. 103. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

''(a) ESTABLISHMENT.—The Secretary shall establish, directly or through one or more competitive contracts of not less than 3 years duration, a national clearinghouse for information relating to child abuse and neglect.

''(b) CONSULTATION.—In establishing the clearinghouse under subsection (a), the Secretary shall consult with the head of each Federal agency involved with child abuse and neglect regarding—

''(1) the development of the components for information collection;

''(2) the management of such clearinghouse; and

''(3) mechanisms for the sharing of information with other Federal agencies and clearinghouses.

''(c) FUNCTIONS.—The Secretary, through the clearinghouse established under subsection (a), shall maintain and disseminate information on—

''(1) evidence-based and evidence-informed programs, including private and community-based programs, that have—

''(A) demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect; and

''(B) potential for broad-scale implementation and replication;

''(2) the medical diagnosis and treatment of child abuse and neglect and the use of trauma-informed practices that prevent and mitigate the effects of trauma and adverse childhood experiences;

''(3) best practices relating to—

''(A) differential response;

''(B) the use of alternative pathways to connect families experiencing difficulty meeting basic needs or other risk factors associated with child abuse and neglect to community-based family strengthening services to prevent child abuse and neglect, including through the operation of local, State, or Tribal helplines, websites, or mobile applications (which may include expanding hotlines and referral systems operated by State, Tribal, or local child protective services agencies for such purposes);

''(C) making improvements to the child protective services systems, including efforts to prevent child abuse and neglect, prioritize serving children who are at risk of serious harm, and implement protocols to identify, examine, and eliminate child fatalities and near fatalities due to child abuse and neglect;

''(D) making appropriate referrals related to the physical, developmental, and mental health needs of children who are victims of child abuse or neglect, and when appropriate, provide services to parents or children, to address the needs of such children and their families and effectively treat the effects of such abuse or neglect;

''(E) supporting children and youth being cared for by kinship caregivers, including such children whose living arrangements with kinship caregivers occurred without the involvement of a child protective services agency; and

''(F) workforce development and retention of child protective services personnel;

''(4) professional development resources available at the State and local level—

''(A) for individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect, including mandated reporters; and

''(B) for appropriate State, Tribal, and local officials to assist in the provision of professional development for law enforcement, legal, judicial, medical, physical, behavioral and mental health, child care and early learning, education, child welfare, substance use disorder treatment services, and domestic violence services personnel on—

''(i) the role of the child protective services system to identify children at risk of serious harm; and

''(ii) how to direct families in need to alternative pathways for community-based family strengthening services in order to safely reduce the number of families unnecessarily involved with child protective services;

''(5) in conjunction with the National Resource Centers authorized under section 310(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)), effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services;

''(6) the requirements of section 402(c) and best practices relating to the development, implementation, and monitoring of family care plans as described in section 402(c) for infants affected by parental substance use disorder, including best practices on topics such as—

''(A) collaboration and coordination across substance abuse agencies, child welfare agencies, maternal and child health agencies, family courts, early childhood development entities, and other community partners; and

''(B) identification and delivery of services for affected infants and their families, including for infants affected by parental substance use disorder, but whose families do not meet criteria for immediate safety concerns of child abuse and neglect;

''(7) the incidence of cases of child abuse and neglect in the United States, including information based on data submitted by State child protective services agencies under section 106(d); and

''(8) the research conducted under section 104(a).

''(d) DATA COLLECTION AND ANALYSIS.—

''(1) IN GENERAL.—The Secretary shall, in accordance with all applicable Federal and State privacy law, develop and maintain a Federal data collection and analysis system, in consultation with appropriate State, Tribal, and local agencies and experts in the field, to collect, compile, and make available State child abuse and neglect reporting information which shall be universal and case specific and, to the extent practicable, integrated with other case-based Federal, State, Tribal, regional, and local child welfare information (including the automated foster care and adoption reporting system required under section 479 of the Social Security Act (42 U.S.C. 679) and including the case registry authorized under section 303), and which shall include—

''(A) standardized data on false, unfounded, unsubstantiated, and substantiated reports;

''(B) comparable information on child fatalities and near fatalities due to child abuse and neglect, including—

''(i) the number of child fatalities and near fatalities due to child abuse and neglect; and

''(ii) case-specific data about the circumstances under which a child fatality or near fatality occurred due to abuse and neglect, including the data elements described in section 106(d)(3)(E);

''(C) information about the incidence and characteristics of child abuse and neglect in circumstances in which domestic violence is present; and

''(D) information about the incidence and characteristics of child abuse and neglect in cases related to substance use disorder.

''(2) CONFIDENTIALITY REQUIREMENT.—In carrying out paragraph (1), the Secretary shall ensure that methods are established and implemented to preserve the confidentiality of records relating to case specific data.''.

SEC. 5103. RESEARCH AND ASSISTANCE ACTIVITIES.

Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended—

(1) by amending subsections (a) through (c) to read as follows:

''(a) RESEARCH.—

''(1) IN GENERAL.—The Secretary, in coordination with relevant Federal agencies, and in consultation with recognized experts in the field, shall carry out a continuing interdisciplinary program of research, including longitudinal research, that is designed to—

''(A) provide information needed to improve primary prevention of child abuse and neglect;

''(B) better protect children from child abuse or neglect;

''(C) evaluate the efficacy of programs or practices to improve outcomes;

''(D) improve the well-being of victims of child abuse or neglect; and

''(E) be responsive to the research needs of the child welfare field.

''(2) TOPICS.—The research program described in paragraph (1) may focus on—

''(A) evidence-based or evidence-informed programs regarding—

''(i) prevention of child abuse and neglect in families that have not had contact with the child protective services system, including through supporting the development of protective factors linked to the prevention of child abuse and neglect;

''(ii) trauma-informed and developmentally-appropriate treatment of children and families who experience child abuse and neglect, including efforts to prevent the retraumatization of such children and families; and

''(iii) approaches to identify, relieve, and mitigate stressors affecting families' unique needs in rural, urban, and suburban communities;

''(B) effective practices to reduce racial bias and disparities in the child protective services system, including examining how neglect is identified, investigated, and treated by such system;

''(C) effective practices and programs in the use of differential response to identify children at risk of serious harm and to safely reduce the number of families unnecessarily investigated by the child protective services system;

''(D) effective practices and programs designed to improve service delivery and outcomes for child protective services agencies engaged with children and families with complex needs, such as families who have experienced domestic violence, substance use disorders, or adverse childhood experiences, or who have mental health needs;

''(E) best practices for recruiting and retaining a child protective services workforce and providing professional development;

''(F) effective collaborations between the child protective system and domestic violence service providers that provide for the safety of children exposed to domestic violence and their non-abusing parents and that improve the investigations, interventions, delivery of services, and treatments provided for such children and families;

''(G) child abuse and neglect issues facing Indians, Alaska Natives, and Native Hawaiians, including providing recommendations for improving the collection of child abuse and neglect data from Indian Tribes, Tribal organizations, and Native Hawaiian communities;

''(H) child abuse and neglect issues related to children and youth overrepresented in the child welfare system, including efforts to improve the child welfare system's practices related to the prevention, identification, and treatment of child abuse and neglect to address such overrepresentation; and

''(I) effective collaborations between the child welfare system and substance use disorder treatment service providers that provide for the safety of children exposed to parents with substance use disorders, and that improve the investigations, interventions, delivery of services, and treatments provided for such children and families.

''(3) NATIONAL INCIDENCE OF CHILD ABUSE AND NEGLECT.—

''(A) IN GENERAL.—The Secretary shall conduct research on the national incidence of child abuse and neglect and investigate the trends in such incidence, including the information on the national incidence of child abuse and neglect specified in subparagraph (B).

''(B) CONTENT.—The research described in subparagraph (A) shall examine the national incidence of child abuse and neglect, including—

''(i) the extent to which incidents of child abuse and neglect are increasing or decreasing in number and severity;

''(ii) the incidence of substantiated and unsubstantiated reported child abuse and neglect cases;

''(iii) the number of substantiated cases that result in a judicial finding of child abuse or neglect or related criminal court convictions;

''(iv) the extent to which the number of unsubstantiated, unfounded, or falsely reported cases of child abuse or neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse or neglect;

''(v) the extent to which the lack of adequate resources or the lack of adequate supports for individuals required by law to report suspected cases of child abuse and neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse and neglect;

''(vi) the number of unsubstantiated, false, or unfounded reports that have resulted in a child being placed in substitute care, and the duration of such placement;

''(vii) the extent to which unsubstantiated reports return as more serious cases of child abuse or neglect;

''(viii) the incidence and prevalence of—

''(I) physical, sexual, and emotional abuse and physical and emotional neglect in substitute care; and

''(II) domestic violence in substantiated cases of child abuse and neglect;

''(ix) the incidence and prevalence of child abuse and neglect by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, labor force status, and income in the previous year;

''(x) the extent to which reports of suspected or known instances of child abuse or neglect involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, are screened out solely on the basis of the cross-jurisdictional complications; and

''(xi) the incidence and outcomes of child abuse and neglect allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between family courts and the child protective services system.

''(4) REPORT.—Not later than 3 years after the date of the enactment of the CAPTA Reauthorization Act of 2022 and every 2 years thereafter, the Secretary shall prepare and make available on a website that is accessible to the public and submit 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 that—

''(A) identifies the research priorities under paragraph (5) and the process for determining such priorities;

''(B) contains a summary of the research supported pursuant to paragraphs (1) and (2), and a summary of any other relevant research on child abuse and neglect conducted by agencies within the Department of Health and Human Services;

''(C) contains the findings of the research regarding the national incidence on child abuse and neglect conducted under paragraph (3); and

''(D) describes how the Secretary will continue to improve the accuracy of information on the national incidence on child abuse and neglect specified in paragraph (3).

''(5) PRIORITIES.—

''(A) IN GENERAL.—The Secretary shall establish research priorities, which may include long-term studies, for making grants or contracts for purposes of carrying out paragraph (1).

''(B) PUBLIC COMMENT.—The Secretary shall provide a biennial opportunity for public comment concerning the priorities proposed under subparagraph (A) and shall maintain an official record of such public comment.

''(b) PROVISION OF TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall provide technical assistance to State, local, and Tribal public and private agencies and community-based organizations, including organizations that support children or youth overrepresented in the child welfare system and their families, disability organizations, and persons who work with children with disabilities, and providers of mental health, substance use disorder treatment, and domestic violence prevention services, to assist such agencies and organizations in planning, improving, developing, carrying out, and evaluating programs and activities, including replicating successful program models, relating to the prevention, assessment, identification, and treatment of child abuse and neglect.

''(2) CONTENT.—The technical assistance under paragraph (1) shall be designed to—

''(A) reduce racial bias and disparities in the child protective services system;

''(B) support the child protective services system to develop and implement trauma-informed approaches to prevent, reduce, and treat child abuse and neglect;

''(C) promote best practices for addressing child abuse and neglect in families with complex needs, such as families who have experienced domestic violence, substance use disorders, or adverse childhood experiences, or who have mental health needs, including professional development on such practices for the child protective services workforce;

''(D) leverage State, local, and community-based resources to prevent child abuse and neglect to develop a continuum of prevention programs and services, including resources regarding health care (including mental health and substance use disorder), housing, food assistance, parent support, financial assistance, child care and early learning, education services, and other services to assist families;

''(E) promote best practices for maximizing coordination and communication between State, Tribal, and local child protective services agencies and relevant health care entities, consistent with all applicable Federal and State privacy law; and

''(F) provide other technical assistance, as determined by the Secretary in consultation with such State, Tribal, and local public and

private agencies and community-based organizations as the Secretary determines appropriate.

''(3) EVALUATION.—The technical assistance under paragraph (1) may include an evaluation or identification of—

''(A) various methods and procedures for the prevention, investigation, assessment, and prosecution of child physical and sexual abuse cases;

''(B) ways to prevent and mitigate the effects of trauma to the child victim;

''(C) effective programs carried out by the States under this title and title II;

''(D) effective approaches to link child protective service agencies with health care (including mental health and substance use disorder), and developmental services to improve forensic diagnosis and health evaluations, and reduce barriers and shortages to such linkages; and

''(E) the extent to which changes in methods, procedures, and approaches implemented by the child protective service system minimized racial bias and disparities in such system.

''(4) DISSEMINATION.—The Secretary may provide for, and disseminate information relating to, various professional development available at the State and local level to—

''(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

''(B) appropriate State and local officials to assist in the provision of professional development for law enforcement, legal, judicial, medical, mental health, child care and early learning, education, child welfare, substance use disorder, and domestic violence services personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to, or children whom such personnel suspect have been subjected to, child abuse or neglect.

''(c) AUTHORITY TO MAKE GRANTS OR ENTER INTO CONTRACTS.—

''(1) IN GENERAL.—The functions of the Secretary under this section may be carried out directly or through grant or contract.

''(2) DURATION.—Grants under this section shall be made for periods of not more than 5 years.''; and

(2) by striking subsection (e).

SEC. 5104. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

''SEC. 105. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

''(a) AUTHORITY TO AWARD GRANTS OR ENTER INTO CONTRACTS.—The Secretary may award grants and enter into contracts to carry out programs and projects in accordance with this section, for any of the following purposes:

''(1) Capacity building, in order to create coordinated, inclusive, and collaborative systems that have statewide, local, or community-based impact in preventing, reducing, and treating child abuse and neglect.

''(2) Innovation, through time-limited, field-initiated demonstration projects that further the understanding of the field to prevent, reduce, and treat child abuse and neglect.

''(b) CAPACITY BUILDING GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary may award grants or contracts to an eligible entity to improve the capacity of the child protective services system in strengthening families and preventing, reducing, and treating child abuse and neglect.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or local agency, Indian Tribe or Tribal organization, or a nonprofit entity; or

''(B) a consortium of entities described in subparagraph (A).

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

''(4) USE OF FUNDS.—An eligible entity receiving a grant or contract under this subsection shall use the funds made available through the grant or contract to better align and coordinate community-based, local, or State activities to strengthen families and prevent, reduce, and treat child abuse and neglect, by—

''(A) providing professional development for professionals in prevention, identification, or treatment of child abuse and neglect, which may include—

''(i) professional development for professional and paraprofessional personnel who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect, including on the links between child abuse and neglect and domestic violence and approaches to working with families affected by substance use disorder;

''(ii) professional development on evidence-based and evidence-informed programs to improve child abuse and neglect reporting, with a focus on adults who work with children in a professional or volunteer capacity, including on—

''(I) preventing, recognizing, and responding to child sexual abuse; and

''(II) safely reducing the number of families unnecessarily investigated by the child protective services system;

''(iii) professional development of personnel in best practices to meet the unique needs and development of children with disabilities, children under the age of 3, and infants affected by substance use disorder;

''(iv) improving the professional development of supervisory child protective services personnel on best practices for recruiting, selecting, and retaining the child protective services workforce;

''(v) supporting State child welfare and child protective services agencies in coordinating the provision of services with State and local health care agencies, substance abuse agencies, public health agencies, mental health agencies, other public and private welfare agencies, and agencies that provide early intervention services to promote child safety, permanence, and family stability, which may include best practices to improve coordination between agencies to meet health evaluation and treatment needs of children who have been victims of substantiated cases of child abuse or neglect;

''(vi) professional development for personnel in best practices relating to the provision of differential response; and

''(vii) professional development for child welfare professionals to reduce and prevent racial bias in the provision of child protective services and child welfare services related to child abuse and neglect;

''(B) enhancing systems coordination and triage procedures, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and community-based family support programs, law enforcement agencies and legal systems, developmental disability agencies, substance use disorder treatment agencies, health care entities, domestic violence prevention entities, mental health service entities, schools, places of worship, and other community-based agencies, such as children's advocacy centers, in accordance with all applicable Federal and State privacy law, to—

''(i) improve responses to reports of child abuse and neglect;

''(ii) allow for the establishment or improvement of a coordinated triage system;

''(iii) connect families experiencing difficulty meeting basic needs or risk factors associated with child abuse and neglect to community-based systems and programs that assist families seeking support to minimize involvement in the child protective services system; or

''(iv) modernize data systems and networks to improve the effectiveness of technology used by the child protective services system, including to facilitate timely information and data sharing and referrals between systems that are designed to serve children and families; or

''(C) establishing or enhancing coordinated systems of support for children, parents, and families, including a continuum of prevention programs and services that strengthens families and connects families to services and supports relevant to their diverse needs regardless of how families make contact with such systems.

''(c) FIELD-INITIATED INNOVATION GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary may award grants or contracts to eligible entities for field-initiated demonstration projects of up to 5 years that advance innovative approaches to prevent, reduce, or treat child abuse and neglect.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or local agency, Indian Tribe or Tribal organization, or public or private agency, or organization; or

''(B) a consortium of entities described in subparagraph (A).

''(3) APPLICATIONS.—To receive a grant or contract under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum, a rigorous methodological approach to the evaluation of the grant or contract and a description of the eligible entity's efforts to engage with individuals with personal experience in the child welfare system in carrying out such grant or contract.

''(4) USE OF FUNDS.—An eligible entity that receives a grant or contract under this subsection shall use the funds made available through the grant or contract to carry out or bring to scale promising, evidence-informed, or evidence-based activities to prevent, treat, or reduce child abuse and neglect that shall include one or more of the following:

''(A) Multidisciplinary systems of care to strengthen families and prevent, reduce, and treat child abuse and neglect, such as children's advocacy centers or programs that focus on addressing traumatic stress in families due to child abuse and neglect, especially for families with complex needs, such as families who have experienced domestic violence, substance use disorders, or adverse childhood experiences, or who have mental health needs.

''(B) Primary prevention programs or strategies aimed at reducing the prevalence of child abuse and neglect among families.

''(C) The development and use of alternative pathways to connect families experiencing difficulty meeting basic needs or other risk factors associated with child abuse and neglect to community-based family strengthening services to prevent child abuse and neglect or other public and private resources, such as supporting the development and implementation of—

''(i) State, Tribal, or local helplines, websites, or mobile applications (which may include expanding hotlines and referral systems operated by State, Tribal, or local child protective services agencies for such purposes);

''(ii) a continuum of prevention programs and services that strengthen families and promote child, parent, and family well-being; and

''(iii) innovative collaboration and coordination between the child protective services system, public agencies, and community-based organizations (including community-based providers supported under title II).

''(D) Innovative approaches to support mandated child abuse and neglect reporters, which may include education tailored to the mandated individual's profession or role when working with children.

''(E) Innovative programs, activities, and services that are aligned with the research priorities identified under section 104(a)(5).

''(F) Projects to improve the development and implementation of best practices to educate and assist medical professionals in identifying, assessing, and responding to potential abuse in infants, including improving communication and alignment with child protective services as appropriate and identifying injuries indicative of potential abuse in infants, and to assess the outcomes of such best practices.

''(G) Projects to establish or implement comprehensive child sexual abuse awareness and prevention programs in an age- and developmentally-appropriate manner for children and youth, parents, guardians, and professionals, including on recognizing and safely reporting such abuse.

''(d) EVALUATION.—In awarding grants and contracts for programs or projects under this section, the Secretary shall require all such programs and projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a grant or contracts or as a separate grant or contract entered into by the Secretary for the purpose of evaluating a particular program or project or group of programs or projects. In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.''.

SEC. 5105. NATIONAL CHILD ABUSE HOTLINE.

Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended—

(1) by repealing section 114;

(2) redesignating section 112 as section 114 and moving such section to the end of title I;

(3) by redesignating sections 108 through 111 as sections 109 through 112, respectively; and

(4) by inserting after section 107 the following:

''SEC. 108. NATIONAL CHILD ABUSE HOTLINE.

''(a) IN GENERAL.—The Secretary may award a grant under this section to a nonprofit entity to provide for the ongoing operation of a 24-hour, national, toll-free telephonic child abuse hotline and digital services.

''(b) PRIORITY.—In awarding a grant under this section the Secretary shall give priority to applicants with experience in the operation of a hotline and digital services that provide assistance to victims of child abuse or neglect, parents, caregivers, mandated reporters, and other concerned community members.

''(c) TERM.—The Secretary shall award a grant under this section for a period of not more than 5 years.

''(d) CONDITIONS ON PAYMENT.—The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

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

''(1) include a description of the applicant's plan for the operation of a national child abuse hotline and digital services, including descriptions of—

''(A) the professional development program for advocacy personnel;

''(B) the hiring criteria and qualifications for advocacy personnel responding to hotline callers and digital services users;

''(C) the methods for the creation, maintenance, and updating of a comprehensive database of resources, including prevention and treatment services and alternative pathways to connect families experiencing difficulty meeting basic needs or other risk factors associated with child abuse and neglect to community-based family strengthening services;

''(D) a plan for publicizing the availability of the hotline and digital services throughout the United States, including in urban, suburban, and rural areas;

''(E) a plan for providing service to callers and digital service users with limited English proficiency, including service through advocacy personnel who are multilingual;

''(F) a plan for facilitating access to the hotline and digital services by people with disabilities, including individuals who are deaf or hard of hearing or are blind or have visual impairments, and for providing professional development to hotline and digital services personnel in assisting people with disabilities who are accessing the hotline and digital services; and

''(G) a plan for providing assistance and referrals for victims of child abuse, including youth victims;

''(2) demonstrate that the applicant has the capacity and the expertise to maintain a child abuse hotline and digital services and a comprehensive database of service providers;

''(3) demonstrate the ability of the applicant to—

''(A) provide information and referrals for individuals contacting the hotline or using digital services;

''(B) directly connect callers or users of digital services to service providers; and

''(C) employ crisis interventions meeting the standards of child abuse and prevention service providers;

''(4) demonstrate a commitment to diversity and to the provision of services to underserved populations, including to ethnic, racial, and non-English speaking minorities, older individuals, and people with disabilities; and

''(5) provide an assurance that the entity complies with all applicable State and Federal privacy law and has established quality assurance practices.

''(f) PERFORMANCE METRICS AND REPORT.—An entity receiving a grant under this section shall—

''(1) establish quantifiable metrics for measuring the performance of the hotline and digital services;

''(2) conduct an evaluation of the effectiveness the hotline and digital services as measured by the metric established under paragraph (1); and

''(3) submit a performance report to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) the activities that have been carried out with such grant funds; and

''(B) the results of the evaluation described under paragraph (2).

''(g) CONTINUING GRANTS.—The Secretary may award a continuing grant to an entity under this section only if such entity submits a performance report required under subsection (f)(3) that demonstrates effectiveness of the project funded.''.

SEC. 5106. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.

Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended to read as follows:

''SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.

''(a) STATE GRANTS.—The Secretary shall make grants to the States, from allotments made under subsection (g), for each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective services system of each such State with respect to one or more of the following activities:

''(1) Improving the intake, assessment, screening, and investigation of reports of child abuse or neglect, including—

''(A) the use of differential response;

''(B) establishing and maintaining a high-risk response system to ensure that each repeat referral of the same child, and each referral of a child under the age of 3 years, receives a rapid response from such system;

''(C) protocols and professional development that reduce and prevent—

''(i) the separation of children from their legal parents or guardians solely on the basis of poverty; and

''(ii) racial bias in the child protective services system.

''(2) Supporting trauma-informed response, investigation, and treatment of child abuse and neglect by—

''(A) creating and improving the use of multidisciplinary teams, including children's advocacy centers;

''(B) enhancing investigations through interagency, intra-agency, interstate, and intrastate protocols; and

''(C) improving legal preparation and representation, including procedures for appealing and responding to appeals of substantiated reports of child abuse or neglect.

''(3) Establishing alternative pathways to connect families in need to voluntary, community-based family strengthening services in order to enable the child protective services system to focus on children at most serious risk of harm and safely reduce the number of families unnecessarily investigated for child abuse and neglect, through the development, implementation, and expansion of—

''(A) local or State helplines, websites, or mobile applications (which may include expanding hotlines and referral systems operated by State or local child protective services agencies for such purposes); and

''(B) coordination with other local and State public entities to support a continuum of prevention programs and services that strengthen families and promote child, parent, and family well-being.

''(4) Improving case management approaches, including ongoing case monitoring, and delivery of services and treatment provided to children and their families to ensure safety and respond to family needs, including—

''(A) multidisciplinary approaches to assessing family needs and connecting families with services, including prevention services under section 471 of the Social Security Act (42 U.S.C. 671);

''(B) organizing treatment teams of community service providers that prevent and treat child abuse and neglect, and improve child and family well-being; and

''(C) case-monitoring that can ensure progress in child and family well-being.

''(5) Modernizing data systems to improve case management, coordination, and communication between State and local public agencies, including—

''(A) updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow for interstate and intrastate information exchange;

''(B) improving real-time case monitoring for the child protective services workforce at the State and local levels to track assessments, service referrals, follow-up, case reviews, and progress toward case plan goals;

''(C) facilitating real-time data sharing between State and local public agencies and relevant health care entities, consistent with all applicable Federal and State privacy law; and

''(D) developing, improving, and implementing risk and safety assessment tools and protocols that reduce and prevent bias towards children and families involved in the child welfare system.

''(6) Developing, strengthening, and facilitating professional development for professionals and volunteers engaged in the prevention, intervention, and treatment of child abuse and neglect, including with respect to—

''(A) the legal duties of such professionals and volunteers;

''(B) personal safety for the child protective services workforce;

''(C) early childhood, child, and adolescent development and the impact of child abuse and neglect, including long-term impacts of adverse childhood experiences;

''(D) improving coordination among child protective service agencies and health care agencies, entities providing health care (including mental health and substance use disorder services), and community resources;

''(E) improving screening, forensic diagnosis, and health and developmental evaluations, which may include best practices for periodic reevaluations, as appropriate;

''(F) addressing the unique needs of children with disabilities, including promoting interagency collaboration to meet such needs;

''(G) supporting the placement of children with kinship caregivers and addressing the unique needs of children in such placements;

''(H) implementing responsive, family-oriented, and trauma-informed approaches to prevention, identification, intervention, and treatment of child abuse and neglect;

''(I) ensuring child safety;

''(J) the links between child abuse and neglect and families with complex needs, such as families who have experienced domestic violence, substance use disorders, or adverse childhood experiences, or who have mental health needs;

''(K) coordinating with other services and agencies to address family and child needs, including trauma; and

''(L) distinguishing between cases of child and abuse neglect and cases related to family economic insecurity where abuse and neglect are not present.

''(7) Improving the recruitment and retention of child protective services personnel, such as efforts to address the effects of indirect trauma exposure for such personnel.

''(8) Developing, facilitating the use of, and implementing evidence-based or evidence-informed strategies and protocols for individuals mandated to report child abuse and neglect, which may include—

''(A) strategies designed for mandated reporters in specific professions;

''(B) public awareness and understanding relating to the role and responsibilities of the child protective services system; and

''(C) the nature and basis for reporting suspected incidents of child abuse and neglect.

''(9) Developing, implementing, or operating programs and referrals to assist in obtaining or coordinating necessary services for families of infants or toddlers with a disability, including—

''(A) evaluation and early intervention services for infants and toddlers, with special attention to at-risk infants or toddlers (as defined in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432)), in accordance with part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) and providing other support to such infants or toddlers, which may include—

''(i) financial assistance in obtaining early intervention services where an infant or toddler does not meet the State's eligibility requirements under such part C; and

''(ii) support for families, including foster families and kinship caregivers, in ensuring infants and toddlers receive early intervention services;

''(B) trauma-informed services, and

''(C) early care and educational services, including Early Head Start programs.

''(10) Enhancing interagency collaboration between agencies and providers of the child protective services, public health, mental health, substance use disorder treatment, education, child care and early learning, domestic violence services, law enforcement, and juvenile justice to improve the investigations, interventions, delivery of services, and treatments provided for children and families experiencing child abuse and neglect, which may include—

''(A) methods for continuity of treatment plan and services as children and families transition between systems;

''(B) addressing the health needs, including mental health needs, of children identified as victims of child abuse or neglect, including supporting prompt, comprehensive health and developmental evaluations for children who are the subjects of substantiated child abuse and neglect reports;

''(C) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their non-abusing parents;

''(D) enhancing the capacity of public entities or community-based providers to integrate the leadership of parents in such entities' decision-making;

''(E) co-locating service providers; and

''(F) the provision of services that assist infants affected by substance use disorder and that also support the bond between children and birth parents to strengthen families whenever possible.

''(11) Supporting the development, implementation, and monitoring of family care plans for infants affected by substance use disorder and their families and affected caregivers, in accordance with the requirements of section 402(c), including through enhancing interagency coordination, such as between the State's substance abuse agencies, public health and mental health agencies, child welfare agencies, social services agencies, health care facilities with labor and delivery units, maternal and child health agencies, early intervention agencies, family courts with jurisdiction in cases of child abuse and neglect, and other agencies or entities involved in supporting families affected by substance use disorders.

''(b) ELIGIBILITY REQUIREMENTS.—

''(1) STATE PLAN.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan for improving and strengthening the child protective service system through the activities described in subsection (a).

''(B) DURATION OF PLAN.—Each State plan shall—

''(i) be submitted not less frequently than once every 5 years, in coordination with the State plan submitted under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.); and

''(ii) be periodically reviewed and revised by the State, as necessary, to reflect—

''(I) any substantive changes to State law or regulations related to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and

''(II) any significant changes from the State application related to the State's funding of strategies and programs supported under this section.

''(C) PUBLIC COLLABORATION AND COMMENT.—In developing the State plan under subparagraph (A), each State shall—

''(i) consult widely with stakeholders and relevant public and private organizations and individuals across the State, which shall include parents and other individuals with personal experience in the child welfare system;

''(ii) collaborate with the lead entity and community-based providers funded under title II to strengthen the State's prevention efforts in the State plan;

''(iii) make the draft plan publicly available by electronic means in an easily accessible format; and

''(iv) provide all interested members of the public at least 30 days opportunity to submit comments on the draft State plan.

''(D) AVAILABILITY.—The State shall ensure that the final approved plan required under subparagraph (A) shall be publicly available by electronic means in an easily accessible format, and shall update such publicly available plan to include any revisions to such plan described in subparagraph (B)(ii).

''(2) PLAN PROVISIONS.—

''(A) DESCRIPTIONS.—Each State plan required under paragraph (1) shall describe—

''(i) the activities the State will carry out using amounts received under the grant to prevent, reduce, and treat child abuse and neglect and how those activities will improve and strengthen the child protective service system;

''(ii) the State's strategy to implement a systems-building approach to develop and maintain a continuum of prevention programs and services, in coordination with relevant State and local public agencies families and community-based organizations to prevent child abuse and neglect by strengthening and supporting families whenever possible, such as through the development of alternative pathways described in subsection (a)(3);

''(iii) professional development and retention activities to be provided under the grant to support direct line and supervisory child protective services personnel in report taking, screening, assessment, decision-making, and referral for investigating suspected instances of child abuse and neglect;

''(iv) the support and education to be provided under the grant for mandatory reporting by individuals who are required to report known or suspected cases of child abuse and neglect, including for purposes of making such individuals aware of such requirements;

''(v) policies and procedures encouraging the appropriate involvement of families in decision-making pertaining to children who have experienced child abuse or neglect;

''(vi) policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse agencies, mental health agencies, other relevant agencies, and kinship navigators in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate;

''(vii) policies and procedures regarding the use of differential response and a timeline for the development and implementation of a high-risk response system to ensure that each repeat referral of the same child, and each referral of a child under the age of 3 years, receives a rapid response from such system;

''(viii) how the State will enact policies and procedures within 2 years of the date of enactment of the CAPTA Reauthorization Act of 2022 requiring timely public disclosure of the findings or information about the case of child abuse or neglect that has resulted in a child fatality or near fatality (in accordance with relevant Federal and State privacy and confidentiality requirements), which shall include a description of—

''(I) how the State will make such information publicly available in an easily accessible format, including information on—

''(aa) the cause and circumstances of the fatality or near fatality;

''(bb) the age, gender, and race or ethnicity of the child; and

''(cc) any previous reports of child abuse or neglect investigations by the perpetrator or the victim; and

''(II) assurances of the State that the State will not allow an exception to such public disclosure, except in a case in which—

''(aa) the State needs to delay public release of case-specific findings or information (including any previous reports of domestic violence and subsequent actions taken to assess and address such reports) during a pending criminal investigation or prosecution of such a fatality or near fatality;

''(bb) the State is protecting the identity of a reporter of child abuse or neglect; or

''(cc) the State is withholding information in order to ensure the safety and well-being of the child, parents, and family, if such parents or other members of the victim's family are not perpetrators of the fatality or near fatality;

''(ix) the State's efforts to collect and review data on child fatalities and near fatalities due to child abuse and neglect to drive systemic change to prevent such incidents from occurring in the future, including a description of—

''(I) the criteria utilized by the State's child protective services agency to determine which cases of child fatalities and near fatalities due to abuse and neglect are reported under subsection (d), subject to the requirements of section 422(b)(19) of the Social Security Act (42 U.S.C. 622(b)(19)), such as whether such agency is submitting data on—

''(aa) only such cases that—

''(AA) had involvement with the State's child protective services agency;

''(BB) were investigated by such agency; and

''(CC) were substantiated as abuse or neglect by such agency; or

''(bb) all cases of child fatalities and near fatalities identified as being related to child abuse and neglect by the State's child fatality review system; and

''(II) how the State is reviewing and analyzing such data to support reforms intended to prevent future child fatalities and near fatalities across the policies and procedures of the State's agencies that support children and families;

''(x) the State's efforts to reduce racial bias and disparities in its child protective services system;

''(xi) the State's efforts to improve policies and procedures regarding the identification and response to child abuse and neglect in order to safely reduce unnecessary investigations by State and local child protective services agencies of—

''(I) families solely on the basis of circumstances related to poverty; and

''(II) families experiencing homelessness solely on the basis of circumstances related to such families' housing status;

''(xii) to improve the State's provision of legal representation to children and parents in cases involving allegations of child abuse or neglect that result in a judicial proceeding, in accordance with the requirements of paragraph (3)(B); and

''(xiii) the State's provisions to require intrastate and interstate cooperation between State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse and neglect.

''(B) ASSURANCES.—Each State plan shall provide assurances that the State has—

''(i) provisions or procedures for individuals to report known and suspected instances of child abuse and neglect directly to the appropriate State or local agency, as applicable under State law, including a State law for mandatory reporting by individuals required to report such instances, including, as defined by the State—

''(I) health professionals;

''(II) school and child care personnel;

''(III) law enforcement officials;

''(IV) social workers;

''(V) camp and after-school employees;

''(VI) clergy, except where clergy-penitent privilege is applicable; and

''(VII) other individuals, as a State may require;

''(ii) provisions for immunity from civil or criminal liability under State and local laws for individuals making good faith reports of suspected or known instances of child abuse or neglect, or who otherwise provide information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect;

''(iii) procedures for the immediate screening, risk and safety assessment, and prompt investigation of reports of suspected or known instances of child abuse and neglect, and triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;

''(iv) procedures for immediate steps to be taken to ensure and protect the safety of a victim of child abuse or neglect and of any other child under the same care who also may be in danger of child abuse or neglect and ensuring their placement in a safe environment, which may include placements with kinship caregivers;

''(v) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of this Act shall be made available only to—

''(I) individuals who are the subject of the report;

''(II) Federal, State, or local government entities, or any agent of such entities, as described in clause (vi);

''(III) child abuse citizen review panels;

''(IV) child fatality review programs;

''(V) a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and

''(VI) other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

''(vi) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect;

''(vii) provisions requiring, and procedures in place that facilitate, the notification of individuals who are added to a child abuse registry and the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment;

''(viii) established and maintained citizen review panels in accordance with subsection (c);

''(ix) provisions, procedures, and mechanisms—

''(I) for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and

''(II) by which individuals who disagree with an official finding of child abuse or neglect can appeal such finding;

''(x) provisions, procedures, and mechanisms that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction—

''(I) to have committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

''(II) to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

''(III) to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter;

''(IV) to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent;

''(V) to have committed sexual abuse against the surviving child or another child of such parent; or

''(VI) to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20913(a));

''(xi) an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (x), conviction of any one of the felonies listed in clause (x) constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children (except that case-by-case determinations of whether or not to seek termination of parental rights shall be within the sole discretion of the State);

''(xii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse or neglect investigation, advise the individual of the complaints or allegations

made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

''(xiii) provisions to ensure the child protective services workforce receive professional development regarding the legal duties of such personnel, which may consist of various methods of informing such personnel of such duties, including in different languages if necessary, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

''(xiv) provisions and procedures for requiring criminal background record checks that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;

''(xv) provisions for systems of technology that support the State child protective service system described in subsection (a) and track reports of child abuse and neglect from intake through final disposition;

''(xvi) provisions and procedures requiring identification and assessment of all reports involving children known or suspected to be sex trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) victims; and

''(xvii) provisions to ensure the child protective services workforce receives professional development regarding identifying, assessing, and providing comprehensive services for children who are sex trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) victims, including efforts to coordinate with State law enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters to serve this population;

''(xviii) procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

''(I) coordination and consultation with individuals designated by and within appropriate health-care facilities;

''(II) prompt notification by individuals designated by and within appropriate health care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions); and

''(III) authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions;

''(xix) procedures to provide information to mandated reporters who are educators on the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) to support homeless children and youth in enrolling, attending, and succeeding in school, in accordance with the State plan submitted under such subtitle B;

''(xx) engaged with individuals with personal experience in the child welfare system, and the lead entity and community-based providers supported under title II in developing the State plan described in paragraph (1);

''(xxi) procedures and policies for developing, implementing, and monitoring family care plans required under section 402(c) to ensure the safety and well-being of infants affected by parental substance use disorder and the well-being of such infants' parents; and

''(xxii) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to early intervention services funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).

''(3) LEGAL REPRESENTATION FOR CHILDREN AND FAMILIES.—

''(A) PURPOSES.—The purposes of this paragraph are to—

''(i) ensure that children and families in cases involving allegations of child abuse or neglect that result in a judicial proceeding have their rights protected in court; and

''(ii) support States in adopting and implementing policies to provide access to attorneys for both children and parents involved in cases described in clause (i), in addition to the provision to children of a guardian ad litem to make recommendations to the court concerning the best interests of such children.

''(B) STATE PLAN REQUIREMENTS.—For the purposes of submitting the State plan to improve legal representation required under paragraph (2)(A)(xii), the State shall include —

''(i) in the first submission of the State plan required under paragraph (1)(A) that occurs after the date of enactment of the CAPTA Reauthorization Act of 2022—

''(I) a description of the extent to which the State has enacted policies and procedures to, in cases involving allegations of child abuse or neglect that result in a judicial proceeding, provide both children and parents with access to an attorney to represent each party in the case to provide independent legal representation for such children and parents, including the specific circumstances under such policy or procedure when the State would appoint children or parents an attorney and the specific circumstances when such State would not appoint an attorney;

''(II) an assurance that the State will carry out the requirements of subparagraph (C); and

''(III) a description of the State's policies and procedures to ensure that all children in cases involving allegations of child abuse or neglect that result in a judicial proceeding are appointed a guardian ad litem, who—

''(aa) may be a court appointed special advocate or an attorney; and

''(bb) has received specific education regarding such cases, which shall include education in early childhood, child and adolescent development, and domestic violence, to better enable the guardian ad litem to —

''(AA) obtain, first-hand, a clear understanding of the situation and needs of the child; and

''(BB) make recommendations to the court concerning the best interests of the child; and

''(ii) in the subsequent submissions of the State plan, as described in paragraph (1)(B)(i),—

''(I) a description of the State's timeline, as determined by the State, to ensure, in cases involving allegations of child abuse or neglect that result in a judicial proceeding, that—

''(aa) all children in such cases are provided access to an attorney to provide independent legal representation for the child for the entire duration of the court's jurisdiction of such cases, in accordance with such State or court's policies or procedures; and

''(bb) parents in such cases are provided access to an attorney to provide independent legal representation for the parent while the case is in the court's jurisdiction; and

''(II) the description of the State's policies and procedures described in clause (i)(III).

''(C) TASK FORCE.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the CAPTA Reauthorization Act of 2022, the governor of each State shall appoint a statewide task force, which shall include individuals with personal experience in the child welfare system, child protective services representatives, judges, family law attorneys, criminal law attorneys, and State and local elected officials, to improve the quality and provision of legal representation provided to children and parents in cases involving allegations of child abuse or neglect that result in a judicial proceeding.

''(ii) TASK FORCE CONSIDERATION.—Consistent with subparagraph (A), each task force required under clause (i) shall—

''(I) review information required in the State's plan to improve legal representation described in subparagraph (B)(i)(I) and the model for legal representation required under the State's relevant policies and procedures;

''(II) examine State and local data for cases involving allegations of child abuse or neglect that result in a judicial proceeding, including the availability of such data and the feasibility of making such data publicly available, on, with respect to such cases, the number and percentage of—

''(aa) children who have been appointed an attorney to provide independent legal representation;

''(bb) parents who have been appointed an attorney to provide independent legal representation; and

''(cc) children who have a court-appointed special advocate or guardian ad litem to make recommendations to the court concerning the best interests of the child;

''(III) review barriers or identify limitations for the provision of independent legal representation for all children and parents, in accordance with the requirements of subparagraph (B) including a review of—

''(aa) current and projected financial and staffing needs for the provision of such representation; and

''(bb) local, State, and Federal resources currently used or available to meet such financial and staffing needs.

''(iii) TASK FORCE REPORT.—Not later than 2 years after a State task force has been convened, such task force shall submit a report to the governor (which report shall be made publicly available) containing—

''(I) detailed findings from the examination conducted under clause (ii);

''(II) recommendations for changes to State policies and procedures to improve the provision of legal representation for children and parents in all cases of allegations of child abuse or neglect that result in a judicial proceeding;

''(III) a recommended timeline for the State, including the establishment of interim goals, to provide—

''(aa) each child in cases involving allegations of child abuse or neglect that result in a judicial proceeding an attorney to provide independent legal representation for each child for the entire duration of the court's jurisdiction of such cases, in accordance with such State or court's policies or procedures; and

''(bb) parents in cases involving allegations of child abuse or neglect that results in a judicial proceeding an attorney to provide independent legal representation for the parent for such case;

''(IV) recommendations for increasing the provision of court appointed special advocates or guardians ad litem for children; and

''(V) recommendations for improving the collection, tracking, and public reporting of data pursuant to subparagraph (B)(ii).

''(4) RULES OF CONSTRUCTION.—

''(A) CERTAIN IDENTIFYING INFORMATION.—Nothing in clause (ii) or (iv) of paragraph (2)(B) shall be construed as restricting the authority of a State to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it has reason to believe that the reporter knowingly made a false report.

''(B) CLARIFICATION.—Nothing in subparagraph (A) shall be construed to limit a State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and families.

''(C) MANDATED REPORTERS IN CERTAIN STATES.—With respect to a State in which State law requires all of the individuals to report known or suspected instances of child abuse and neglect directly to the appropriate agency as applicable under State law, the requirement under paragraph (2)(B)(i) shall not be construed to require the State to define the classes of individuals described in subclauses (I) through (VI) of such paragraph.

''(D) ALIGNMENT WITH EXTENDED FOSTER CARE.—For purposes of paragraph (2)(A)(xii), the term 'child' shall have any age limit elected by the State pursuant to section 475(8)(B)(iii) of the Social Security Act (42 U.S.C. 675(8)(B)(iii)).

''(c) CITIZEN REVIEW PANELS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Each State to which a grant is made under this section shall establish (including by designating under subparagraph (B)) not fewer than 2 citizen review panels.

''(B) DESIGNATION.—A State may designate a citizen review panel for purposes of this subsection, comprised of one or more existing (as of the date of the designation) entities established under State or Federal law, such as child fatality review programs, foster care review panels, or State task forces established under section 107, if such entities have the capacity to satisfy the requirements of paragraph (3) and the State ensures that such entities will satisfy such requirements.

''(2) MEMBERSHIP.—Except as provided in paragraph (1)(B), each panel established pursuant to paragraph (1) shall be composed of volunteer members who are broadly representative of the community in which such panel is established, including individuals with personal experience in the child welfare system and members who have expertise in the prevention and treatment of child abuse and neglect.

''(3) FUNCTIONS.—

''(A) IN GENERAL.—Each panel established pursuant to paragraph (1) shall evaluate, by examining the policies, procedures, and practices of State and local agencies and where appropriate, specific cases, the extent to which State and local child protective services system agencies are effectively discharging their child protection responsibilities in accordance with—

''(i) the State plan under subsection (b);

''(ii) any other criteria that the panel considers important to ensure the protection of children, including—

''(I) a review of the extent to which the State and local child protective services system is coordinated with the foster care, prevention, and permanency program established under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.); and

''(II) a review of child fatalities and near fatalities due to child abuse and neglect and State and local efforts to change policies, procedures, and practices to prevent future fatalities and near fatalities.

''(B) ALTERNATIVE PATHWAYS.—In carrying out the requirements of subparagraph (A), each panel shall examine the policies, procedures, and practices of State and local child protective services system agencies that result in substantial numbers of families being unnecessarily investigated for child abuse and neglect (including by examining racial bias) and shall develop recommendations to the State, in accordance with paragraph (5), regarding how State and local child protective services agencies can become a more effective system of appropriate and immediate response for children who are at most serious risk of child abuse and neglect and eliminate child abuse fatalities and near fatalities.

''(C) CONFIDENTIALITY.—

''(i) IN GENERAL.—The members and staff of a panel established under paragraph (1)—

''(I) shall not disclose to any person or government official any identifying information about any specific child protection case with respect to which the panel is provided information; and

''(II) shall not make public other information unless authorized by State statute.

''(ii) CIVIL SANCTIONS.—Each State that establishes a panel pursuant to paragraph (1) shall establish civil sanctions for a violation of clause (i).

''(D) PUBLIC OUTREACH.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A).

''(4) STATE ASSISTANCE.—Each State that establishes a panel pursuant to paragraph (1)—

''(A) shall develop a memorandum of understanding with each panel, clearly outlining the panel's roles and responsibilities, and identifying any support from the State;

''(B) shall provide the panel access to information on cases that the panel desires to review if such information is necessary for the panel to carry out its functions under paragraph (3); and

''(C) shall provide the panel, upon its request, staff assistance for the performance of the duties of the panel.

''(5) REPORTS.—Each citizen review panel established under paragraph (1) shall annually prepare and make available to the State and the public, which activities may be carried out collectively by a combination of such panels, a report containing a summary of the activities of the panel and recommendations to improve the child protective services system at the State and local levels. Not later than 3 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to State and local child protective services systems and the panel that describes how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective services systems, which response may include providing examples of efforts to implement the panel's recommendations.

''(d) ANNUAL STATE DATA REPORTS.—

''(1) IN GENERAL.—Subject to paragraph (2), each State to which a grant is made under this section shall annually submit a report to the Secretary containing, at a minimum, the data elements described in paragraph (3).

''(2) WAIVERS AND TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—In working with States to implement the requirement in paragraph (1), the Secretary shall have the authority to waive such requirements for any data element required in paragraph (3) if the Secretary determines that reporting such information is not feasible or is insufficient to yield statistically reliable information.

''(B) GUIDANCE.—The Secretary shall issue guidance to States and provide technical assistance to support States in submitting accurate and comparable data under this subsection and maximizing such States' reporting of data elements required under paragraph (3).

''(3) REQUIRED DATA ELEMENTS.—The following data elements shall annually be reported by States to the Secretary, in accordance with paragraph (1) at the aggregate and case-specific level:

''(A) The number of children who were reported to the State during the year as victims of child abuse or neglect, disaggregated, where available, by demographic characteristics including age, sex, race and ethnicity, disability, caregiver risk factors, caregiver relationship, living arrangement, and relation of victim to their perpetrator.

''(B) Of the number of children described in subparagraph (A)—

''(i) the number with respect to whom such reports were substantiated;

''(ii) the number with respect to whom such reports were unsubstantiated; and

''(iii) the number with respect to whom such reports were determined to be false.

''(C) Of the number of children described in subparagraph (A)—

''(i) the number that did not receive services during the year under the State program funded under this section or an equivalent State program;

''(ii) the number that received services during the year under the State program funded under this section or an equivalent State program;

''(iii) the number that were removed from their families during the year by disposition of the case; and

''(iv) the number that were separated from a legal parent or guardian without a judicial order, disaggregated by whether such separation was made in response to the imminent risk of serious harm at the time of removal.

''(D) The number of families that were served through differential response, from the State, during the year.

''(E) The number of child fatalities and near fatalities in the State during the year resulting from child abuse or neglect, which shall include—

''(i) the number of child fatalities and near fatalities due to child abuse and neglect (disaggregated by such type of incident) that—

''(I) is compiled by the State child protective services agency for submission under this subsection; and

''(II) are derived from data sources which—

''(aa) includes data from State vital statistics departments, child fatality review teams, law enforcement agencies, and offices of medical examiners or coroners, in accordance with the requirements of section 422(b)(19) of the Social Security Act (42 U.S.C. 622(b)(19)); and

''(bb) may include information from hospitals, health departments, juvenile justice departments, and prosecutor and attorney general offices; and

''(ii) case-specific information (and the sources used to provide such information) about the circumstances under which a child fatality or near fatality occurred due to abuse and neglect, including—

''(I) the cause of the death listed on the death certificate in the case of a child fatality, and the type of life-threatening injury in the case of a near fatality;

''(II) whether the child and such child's siblings were reported to the State child protective services system;

''(III) the responses taken by the child protective services agency (which may include services or investigations, as applicable), including any determinations by such agency;

''(IV) the child's living arrangement or placement at the time of the incident;

''(V) the perpetrator's relationship to the child;

''(VI) any known previous child abuse or neglect of the child by other perpetrators and of any child abuse or neglect of other children by the perpetrator;

''(VII) the demographics and relevant characteristics of the child, perpetrator, and family, including whether substance use disorder or domestic violence were present and whether services were provided to address those needs;

''(VIII) the child's encounters with the health care system prior to the incident; and

''(IX) other relevant data as determined by the Secretary designed to inform prevention efforts.

''(F) Of the number of children described in subparagraph (E), the number of such children who were in foster care at the time of the incident reported under such subparagraph.

''(G)(i) The number of child protective service personnel responsible for each of the following:

''(I) Intake of reports filed in the previous year.

''(II) Screening of such reports.

''(III) Assessment of such reports.

''(IV) Investigation of such reports.

''(ii) The average caseload for the personnel described in clause (i).

''(H) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

''(I) The response time with respect to the provision of services to families and children where an allegation of child abuse or neglect has been made.

''(J) For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—

''(i) information on the education, qualifications, and continuing education requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;

''(ii) data on the education, qualifications, and continuing education of such personnel;

''(iii) demographic information of the child protective service personnel; and

''(iv) information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.

''(K) With respect to children reunited with their families or receiving family preservation services, within the 5-year period preceding submission of the report—

''(i) the number of reports to the State child protective services agency for suspected child abuse and neglect;

''(ii) the number of substantiated reports of child abuse or neglect; and

''(iii) the number of fatalities or near fatalities of such children due to child abuse or neglect.

''(L) The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children.

''(M) The annual report containing the summary of the activities and recommendations of the citizen review panels of the State required by subsection (c)(5).

''(N) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.

''(O) The number of children that had a family care plan in accordance with section 402(c), and who were referred to the child protective services system.

''(P) The number of children determined to be victims of sex trafficking.

''(4) NCANDS FILES.—Not later than 6 months after receiving a State report under this subsection, the Secretary shall publish the data reported by the State under paragraph (3) in the following formats:

''(A) The agency file that contains aggregate data.

''(B) The child file that contains case-specific information.

''(e) ANNUAL STATE REPORTS.—A State that receives funds under subsection (a) shall annually prepare and submit to the Secretary a report describing the manner in which funding provided under this section, alone or in combination with other Federal funds, was used to address the purposes and achieve the objectives of this section, including—

''(1) the amount of such funding used by the State to provide services to individuals, families, or communities to strengthen families and prevent child abuse and neglect, directly or through referrals, and a description of how the State implemented systems-building approaches to strategically coordinate such services with State and local agencies and relevant public entities to develop and maintain a continuum of prevention programs and services aimed at preventing the occurrence of child abuse and neglect;

''(2) a description of how the State uses differential response, as applicable, and alternative pathways for families seeking support;

''(3) a description of the State's efforts to reduce racial bias and disparities in its child protective services system, including changes in the rates of overrepresentation of children or youth in the child protective services system by race or ethnicity;

''(4) a description of the State's efforts to safely reduce unnecessary investigations of families, through the child protective system, solely based on circumstances related to—

''(A) poverty; and

''(B) housing status;

''(5) the number of children under the age of 3 who are involved in a substantiated case of child abuse or neglect and who the State child protective services agency referred for early intervention services funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), disaggregated, where available, by demographic characteristics including race and ethnicity, and, for children not referred for such services, a description of why such children were not referred; and

''(6) a description of how the State used such funding to implement effective strategies to enhance collaboration among child protective services and social services, legal services, health care services (including mental health and substance use disorder services), domestic violence services, and educational agencies, and community-based organizations, that contribute to improvements to the overall well-being of children and families.

''(f) ANNUAL REPORT BY THE SECRETARY.—Annually, and not later than 6 months after receiving the State reports under subsections (d) and (e), the Secretary shall—

''(1) prepare a report based on information provided by the States for the fiscal year under such subsections and the results of the State monitoring requirements in section 111; and

''(2) make the report and such information available to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and Labor of the House of Representatives, and the national clearinghouse described in section 103.

''(g) ALLOTMENTS.—

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

''(A) STATE.—The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(B) TERRITORY.—The term 'territory' means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(2) IN GENERAL.—The Secretary shall make an allotment to each State and territory that applies for a grant under this section, in an amount equal to the sum of—

''(A) $50,000; and

''(B) an amount that bears the same relationship to any grant funds remaining after all such States and territories have received $50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.

''(3) MINIMUM ALLOTMENTS TO STATES.—The Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than $150,000.''.

SEC. 5107. GRANTS FOR INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT.

(a) GRANTS TO STATES.—Section 107(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c(a)) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) the assessment, investigation, and prosecution of suspected child abuse and neglect cases, including cases of suspected child sexual abuse, exploitation, and child sex trafficking, in a manner that limits additional trauma to the child and the child's family;

''(2) the assessment, investigation, and prosecution of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities, including through a child abuse investigative multidisciplinary review team, such as a team from the State child fatality review program; and

''(3) the assessment, investigation, and prosecution of cases involving children with disabilities or serious health-related problems, or other vulnerable populations, who are suspected victims of child abuse or neglect.''.

(b) STATE TASK FORCES.—Section 107(c)(1) (42 U.S.C. 5106c(c)(1)) is amended—

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

(2) in subparagraph (J), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(K) individuals experienced in working with children or youth overrepresented in the child welfare system.''.

(c) STATE TASK FORCE STUDY.—Section 107(d)(1) of such Act (42 U.S.C. 5106c(d)(1)) is amended by striking ''and exploitation,'' and inserting '', child exploitation, and child sex trafficking,''.

(d) ADOPTION OF STATE TASK FORCE RECOMMENDATIONS.—Section 107(e)(1) of such Act (42 U.S.C. 5106c(e)(1)) is amended—

(1) in subparagraph (A), by striking ''and exploitation,'' and inserting '', child exploitation, and child sex trafficking,'';

(2) in subparagraph (B), by striking ''and'' at the end;

(3) in subparagraph (C)—

(A) by striking ''and exploitation,'' and inserting '', child exploitation, and child sex trafficking,''; and

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

(4) by adding at the end the following:

''(D) improving coordination among agencies regarding reports of child abuse and neglect to ensure both law enforcement and child protective services agencies have ready access to full information regarding past reports, which may be done in coordination with other States, Indian Tribes, or agencies for other geographic regions.''.

SEC. 5108. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 109 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d), as so redesignated by section 5105 of this Act, is amended by striking subsection (e).

SEC. 5109. REPORTS.

Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f), as so redesignated by section 5105 of this Act, is amended—

(1) in subsection (a), by striking ''CAPTA Reauthorization Act of 2010'' and inserting ''CAPTA Reauthorization Act of 2022'';

(2) in subsection (b)—

(A) by striking ''(b)'' and all that follows through ''Not'' and inserting the following:

''(b) ACTIVITIES AND TECHNICAL ASSISTANCE.—Not''; and

(B) by striking ''Senate a report'' and all that follows through the period at the end and inserting ''Senate a report on technical assistance activities for programs that support State efforts to meet the needs and objectives of section 106.''; and

(3) by striking subsections (c) and (d) and inserting the following:

''(c) REPORT ON STATE MANDATORY REPORTING LAWS.—Not later than 4 years after the date of enactment of the CAPTA Reauthorization Act of 2022, the Secretary shall submit 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 that contains information on—

''(1) the type, duration, and evidence basis of public awareness efforts, professional development, or other educational resources for mandated reporters of child abuse or neglect supported by this Act, and through other relevant Federal programs;

''(2) State efforts to improve reporting on, and responses to reports of, child abuse or neglect; and

''(3) barriers, if any, affecting mandatory reporting of child abuse or neglect.

''(d) GAO REPORT RELATING TO CHILD ABUSE AND NEGLECT IN INDIAN TRIBAL COMMUNITIES.—Not later than 3 years after the date of enactment of the CAPTA Reauthorization Act of 2022, the Comptroller General of the United States, taking into consideration the perspectives of selected Indian Tribes from each of the 12 Bureau of Indian Affairs Regions, shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives that contains—

''(1) information about the child abuse and neglect prevention activities such Indian Tribes and related Tribal organizations are providing, including types of programming and funding sources;

''(2) a description of promising practices used by such Tribes and related Tribal organizations for child abuse and neglect prevention;

''(3) information on ways to support prevention efforts regarding child abuse and neglect of children who are Indians, including Alaska Natives, which may include the use of the children's trust fund model;

''(4) an assessment of Federal agency collaboration and technical assistance efforts to address child abuse and neglect prevention and treatment of children who are Indians, including Alaska Natives; and

''(5) an examination of access to child abuse and neglect prevention research and demonstration grants by Indian tribes and related Tribal organizations under this Act.

''(e) GAO REPORT RELATING TO DATA ON CHILD ABUSE AND NEGLECT IN INDIAN TRIBAL COMMUNITIES.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2022, the Comptroller General of the United States, shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives that contains an examination of Federal child abuse and neglect data systems to identify what Tribal data is being submitted to the Department of Health and Human Services, or other relevant agencies, as applicable, any barriers to the submission of such data, and recommendations on improving the submission of such data.

''(f) GAO REPORT ON PROTECTING AGAINST SYSTEMIC CHILD SEXUAL ABUSE.—Not later than 2 years after the date of the enactment of the CAPTA Reauthorization Act of 2022, the Comptroller General of the United States shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives that focuses on—

''(1) promising practices used by selected State and local agencies to identify and prevent recurring or persistent child sexual abuse in community-based or other organizations, including how selected State and local agencies have addressed—

''(A) a pattern of informal or formal policy or de facto policy within organizations to not follow State and local requirements to report instances of child sexual abuse in violation of State and local mandatory reporting laws or policy; or

''(B) a pattern of assisting individual perpetrators in maintaining their careers despite substantiated evidence of child sexual abuse;

''(2) the assistance provided by the Department of Health and Human Services to support State and local efforts to identify and prevent recurring or persistent child sexual abuse in community-based or other organizations.

''(g) GAO REPORT RELATING TO COURT APPOINTMENTS.—Not later than 4 years after the date of enactment of the CAPTA Reauthorization Act of 2022, the Comptroller General of the United States shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on selected State practices related to the appointment of independent legal representation for children and families in cases involving allegations of child abuse or neglect that result in a judicial proceeding, and the appointment of guardians ad litem for children in such proceedings. Such a report shall include—

''(1) a review of policies in selected States regarding the appointment of independent legal representation and guardians ad litem as described in section 106(b)(3);

''(2) a review of successes and challenges in selected States regarding the appointment of independent legal representation and guardians ad litem in cases involving cases allegations of child abuse or neglect that result in a judicial proceeding; and

''(3) recommendations, as appropriate, for improving access to independent legal representation and guardians ad litem in cases involving cases allegations of child abuse or neglect that result in a judicial proceeding.''.

SEC. 5110. MONITORING AND OVERSIGHT.

Title I of the Child Abuse Prevention and Treatment Act is amended by striking section 112 (42 U.S.C. 5106g), as so redesignated by section 5105 of this Act, and inserting the following:

''SEC. 112. MONITORING AND OVERSIGHT.

''(a) MONITORING.—The Secretary shall conduct monitoring to ensure that each State that receives a grant under section 106 is in compliance with the requirements of section 106(b), which shall—

''(1) be in addition to the review of the State plan upon its submission under section 106(b)(1)(A); and

''(2) include monitoring of State policies and procedures required under sections 106(b)(2)(B)(xxi) and section 402.

''(b) BIENNIAL REPORTING.—The Secretary shall submit a biennial report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives that includes a summary of the monitoring conducted under this section.''.

SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 114 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h), as so redesignated by section 5105 of this Act, is amended—

(1) in paragraph (1)—

(A) by striking ''$120,000,000 for fiscal year 2010'' and inserting ''(except for section 108) $270,000,000 for fiscal year 2023''; and

(B) by striking ''2011 through 2015'' and inserting ''2024 through 2028''; and

(2) by striking paragraph (2) and inserting the following:

''(2) DISCRETIONARY ACTIVITIES.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 30 percent of such amounts to fund discretionary activities under this title.

''(3) HOTLINE AUTHORIZATION.—There are authorized to be appropriated to carry out section 108 $2,000,000 for each of fiscal years 2023 through 2028.''.

SEC. 5112. CONFORMING AMENDMENTS.

Section 633 of the Mentoring Matches for Youth Act of 2006 (34 U.S.C. 20990) is amended—

(1) in subsection (c)(2)(B), by striking ''clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix))'' and inserting ''clauses (v) and (vi) of section 106(b)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)(B))''; and

(2) in subsection (f), by striking ''clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix))'' and inserting ''clauses (v) and (vi) of section 106(b)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)(B))''.

TITLE LII—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT

SEC. 5201. AMENDMENTS TO TITLE II OF THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

(a) IN GENERAL.—Sections 201 through 208 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended to read as follows:

''SEC. 201. PURPOSES.

''The purposes of this title are—

''(1) to support community-based family strengthening services and statewide systems-building approaches to ensure the development, operation, expansion, evaluation, and coordination of initiatives, programs, and activities to prevent child abuse and neglect; and

''(2) to increase access to a continuum of prevention programs and services for diverse populations, including families with low incomes, families who are racial or ethnic minorities, families that include children with disabilities or caregivers with disabilities, children and youth overrepresented in the child welfare system, families experiencing homelessness or at risk of homelessness, families experiencing substance use disorders, families with parents who have experienced violence or trauma, families with individuals with personal experience in the child welfare system, and families in rural communities, that help strengthen families and prevent child abuse and neglect.

''SEC. 202. AUTHORIZATION OF GRANTS.

''(a) AUTHORITY.—The Secretary shall make grants under this title on a formula basis, from allotments made in accordance with subsection (c), to the entities designated by the States as the lead entities under section 203(b) for the purposes of—

''(1) supporting community-based family strengthening services, to assist families to build protective factors linked to the prevention of child abuse and neglect, that—

''(A) are accessible to diverse populations, effective, trauma-informed, and culturally responsive;

''(B) build upon the strengths of families;

''(C) provide families with early, comprehensive support;

''(D) promote the development of healthy familial relationships and parenting skills, especially for young parents and parents of young children;

''(E) increase family stability;

''(F) improve family access to other formal and informal community-based resources, such as referral to early childhood health and developmental services, health care (including mental health and substance use disorder services), and supports to meet the needs of families that include children with disabilities or caregivers with disabilities; and

''(G) meaningfully involve parents in the planning, implementation, and evaluation of such services, including the parents of families with low incomes, parents who are racial or ethnic minorities, parents of children with disabilities, parents with disabilities, parents of children and youth overrepresented in the child welfare system, parents experiencing homelessness or at risk of homelessness, parents of families experiencing substance use disorders, parents who have experienced violence or trauma, parents who are individuals with personal experience in the child welfare system, and parents in rural communities;

''(2) promoting the development of a continuum of prevention programs and services for families, through State- and community-based collaborations, public-private partnerships, and the leveraging of Federal, State, local, and private funds;

''(3) financing the establishment, maintenance, expansion, or redesign of core services described in section 205(d)(3)(A), to address unmet needs described in the inventory in section 204(b)(1)(C)(i);

''(4) financing public information and education activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities, including—

''(A) comprehensive outreach strategies to engage diverse populations; and

''(B) efforts to increase awareness, of adults who work with children in a professional or volunteer capacity, regarding the availability of community-based family strengthening services; and

''(5) providing professional development and technical assistance (including activities to support the implementation of services) to improve the effectiveness of community-based family strengthening services including on the use of evidence-based or evidence-informed practices, public health approaches to preventing child abuse and neglect, and culturally responsive practices.

''(b) RESERVATION.—

''(1) IN GENERAL.—The Secretary shall reserve 1 percent of the amount appropriated under section 209 for a fiscal year to make awards to Indian Tribes and Tribal organizations and for migrant programs.

''(2) EXCEPTION.—Notwithstanding paragraph (1), for any fiscal year for which the amount appropriated under section 209 exceeds the amount appropriated under section 209 for fiscal year 2021 by more than $4,000,000, the Secretary shall reserve, from the total amount appropriated—

''(A) 5 percent for awards to Indian Tribes and Tribal organizations to strengthen families and prevent child abuse and neglect; and

''(B) 1 percent for migrant programs to strengthen families and prevent child abuse and neglect.

''(c) ALLOTMENTS TO STATES.—The Secretary shall allot the amount appropriated under section 209 for a fiscal year and remaining after the reservations under subsection (b) and section 207 among the States as follows:

''(1) 70 PERCENT.—70 percent of such remaining amount shall be allotted among the States by allotting to each State an amount that bears the same proportion to such remaining amount as the number of children under the age of 18 residing in the State bears to the total number of children under the age of 18 residing in all States (except that no State shall receive less than $200,000 under this paragraph).

''(2) 30 PERCENT.—30 percent of such remaining amount shall be allotted among the States by allotting to each State an amount that bears the same proportion to such remaining amount as the amount of private, State, or other non-Federal funds leveraged and directed in the preceding fiscal year through the lead entity (as designated for the preceding fiscal year) of the State bears to the total of the amounts of private, State, or other non-Federal sources leveraged and directed in the preceding fiscal year through such an entity of all States.

''(d) TERMS.—Funds allotted by the Secretary to a State under this section shall be—

''(1) for a 3-year period; and

''(2) provided to the State on an annual basis.

''SEC. 203. LEAD ENTITY.

''(a) DEFINITION OF LEAD ENTITY.—In this title, the term 'lead entity' means a public, quasi-public, or nonprofit private entity (which may be an entity that has not been established pursuant to State legislation, executive order, or any other written authority of the State) that—

''(1) exists to strengthen and support families to prevent child abuse and neglect and has a demonstrated ability to work with State and local public agencies and community-based nonprofit organizations to provide professional development and technical assistance; and

''(2) has the capacity and commitment to partner meaningfully with family advocates, parents who are or have been recipients of community-based family strengthening services, and individuals with personal experience in the child welfare system to provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the entity described in this subsection.

''(b) DESIGNATION.—

''(1) IN GENERAL.—A State shall be eligible for a grant under this title for a fiscal year if the Governor of a State has designated a lead entity to administer funds under this title for the purposes identified under section 201, including to develop, implement, operate, enhance, or expand community-based family strengthening services.

''(2) DESIGNATION CONSIDERATIONS.—In designating a lead entity under paragraph (1) the Governor shall—

''(A) take into consideration the capacity and expertise of potential lead entities; and

''(B) take into consideration (equally) whether a potential lead entity is—

''(i) a trust fund advisory board of the State; or

''(ii) an existing entity that—

''(I) leverages Federal, State, local, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs; and

''(II) is directed by an interdisciplinary, public-private entity that includes participants from communities to be served by the lead entity.

''(c) ASSURANCES.—On designating a lead entity under this title, the Governor of the State shall provide assurances to the Secretary as part of the application submitted by the lead entity under section 204 that the lead entity—

''(1) will provide or will be responsible for providing—

''(A) community-based family strengthening services, in accordance with section 205, including through collaborative, public-private partnerships with community-based providers;

''(B) leadership to elevate the importance of prevention of child abuse and neglect across the State through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, and representation of parents, individuals with personal experience in the child welfare system, community-based providers, and parents with disabilities; and

''(C) direction and oversight of programs of community-based family strengthening services supported by grant funds under this title through the use of identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from Federal, State, local, and private sources, centralized assessment and planning activities, the provision of professional development and technical assistance, and reporting and evaluation functions;

''(2) has a demonstrated commitment to parental leadership in the development, operation, and oversight of the community-based family strengthening services;

''(3) has a demonstrated ability to work with State and local public agencies and community-based nonprofit organizations to develop and maintain a continuum of prevention programs and services designed to support children and families;

''(4) has the capacity to provide operational support (both financial and programmatic), professional development, technical assistance, and evaluation assistance to community-based providers, through innovative, interagency funding and interdisciplinary service delivery mechanisms;

''(5) will integrate its efforts with individuals and organizations experienced in working in partnership with diverse populations,

including families with low incomes, families who are racial or ethnic minorities, families that include children with disabilities or caregivers with disabilities, children and youth overrepresented in the child welfare system, families experiencing homelessness or at risk of homelessness, families experiencing substance use disorders, families with parents who have experienced violence or trauma, families with individuals with personal experience in the child welfare system, and families in rural communities; and

''(6) will engage with diverse populations to identify and address unmet needs when developing the inventory required under section 204(b)(1)(C)(i) and when distributing funds to community-based providers under section 205.

''SEC. 204. APPLICATION.

''(a) IN GENERAL.—To receive a grant under this title, a lead entity shall, not less than once every 3 years, submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including the contents described in subsection (b).

''(b) CONTENTS.—Each application submitted under subsection (a) by a lead entity shall include each of the following:

''(1) A description of—

''(A) the lead entity responsible for the administration of funds provided under this title, including how the lead entity will conduct oversight of community-based providers that receive subgrants under section 205;

''(B) how the lead entity will ensure community-based family strengthening services supported by grant funds under this title will be integrated into a continuum of prevention programs and services for children and families, including how the lead entity will—

''(i) utilize statewide and local systems-building approaches to increase access to community-based family strengthening services for diverse populations;

''(ii) determine which communities to serve;

''(iii) support place-based approaches to meeting the needs of children and families; and

''(iv) ensure such services are designed to serve children and families in hard-to-reach areas;

''(C) an inventory as of the date of submission of such application, that includes a description of—

''(i) the unmet needs in the State, identified through engagement with diverse populations; and

''(ii) the community-based family strengthening services supported by grant funds under this title and other relevant services provided in the State;

''(D) how the lead entity will ensure, in the policy decision-making, implementation, and evaluation of community-based providers supported by grant funds under this title, the meaningful involvement of—

''(i) parents who are or who have been recipients of community-based family strengthening services;

''(ii) family advocates; and

''(iii) individuals with personal experience in the child welfare system;

''(E) the criteria the lead entity will use to select and fund community-based providers, including how the lead entity will take into consideration a provider's ability to—

''(i) collaborate with State and local public agencies and community-based nonprofit organizations and engage in long-term and strategic planning to support the development of a continuum of prevention programs and services across the State;

''(ii) meaningfully partner with parents in the development, implementation, and evaluation of community-based family strengthening services; and

''(iii) incorporate evidence-based or evidence-informed practices;

''(F) outreach activities the lead entity and community-based providers will undertake to maximize the participation of diverse populations in the program authorized under this title, including families with low incomes, families who are racial or ethnic minorities, families that include children with disabilities or caregivers with disabilities, children and youth overrepresented in the child welfare system, families experiencing homelessness or at risk of homelessness, families experiencing substance use disorders, families with parents who have experienced violence or trauma, families with individuals with personal experience in the child welfare system, and families in rural communities;

''(G) how the performance of the State program will be assessed using the measures described in section 206 and by other measures that may be established by the lead entity;

''(H) the actions the lead entity will take to advocate for systemic changes in State policies, practices, procedures, and regulations to—

''(i) improve the delivery of community-based family strengthening services; and

''(ii) promote prevention activities to strengthen and support families in order to reduce child abuse and neglect and contact with the child protective services system; and

''(I) the lead entity's plan for providing operational support, professional development, and technical assistance to community-based providers, related to the use of trauma-informed practices, public health approaches to preventing child abuse and neglect, culturally responsive practices, and the use of evidence-based or evidence-informed practices.

''(2) A budget for the development, operation, and expansion of the community-based family strengthening services that demonstrates that the State will expend, in non-Federal funds, an amount (in cash or in kind) equal to not less than 20 percent of the amount received under this title for activities under this title.

''(3) An assurance that—

''(A) the lead entity will use grant funds received under this title to provide community-based family strengthening services in accordance with section 205 in a manner that—

''(i) helps families build protective factors that are linked to the prevention of child abuse and neglect, including knowledge of parenting and child development (including social and emotional development), parental resilience, social connections, and time-limited and need-based concrete support available to families;

''(ii) is trauma-informed, culturally responsive, and takes into consideration the assets and needs of communities in which the lead entity serves; and

''(iii) promotes coordination between community-based providers, State and local public agencies, community-based nonprofit organizations, and relevant private entities to develop and expand a continuum of prevention programs and services that promote child, parent, and family well-being, with a focus on increasing access to those supports for diverse populations;

''(B) funds received under this title will be used to supplement, not supplant, other State and local public funds designated for the establishment, maintenance, expansion, and redesign of community-based family strengthening services; and

''(C) the lead entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

''(4) The assurances described in section 203(c).

''SEC. 205. USES OF FUNDS.

''(a) IN GENERAL.—A lead entity that receives a grant under this title shall use the grant funds to develop, implement, operate, expand, and enhance community-based family strengthening services, including by providing subgrants to community-based providers described in subsection (b).

''(b) COMMUNITY-BASED PROVIDER.—In this title, the term 'community-based provider' means an entity that provides community-based family strengthening services, including an entity that is a State or local public agency or a community-based nonprofit organization.

''(c) PRIORITY.—In awarding subgrants under this section, a lead entity shall give priority to community-based providers proposing evidence-based or evidence-informed local programs to serve low-income communities or to serve young parents or parents of young children.

''(d) USES OF FUNDS.—A lead entity or a community-based provider that receives funds under this section shall use the funds to develop, implement, operate, expand, and enhance community-based family strengthening services, which may include—

''(1) assessing community assets and needs through a planning process that—

''(A) involves other relevant community-based organizations, including those that have already performed a local needs assessment and can positively contribute to the planning process;

''(B) meaningfully involves parents; and

''(C) uses information and expertise from local public agencies, local nonprofit organizations, and local private sector representatives;

''(2) developing a comprehensive strategy, which may leverage public-private partnerships, to provide a continuum of prevention programs and services to children and families, especially to families experiencing difficulty meeting basic needs or with other risk factors linked with child abuse and neglect, such as families with young parents, parents of young children, or parents who experienced domestic violence or child abuse or neglect as children;

''(3)(A) providing, directly or through community referral services, core child abuse and neglect prevention services, such as—

''(i) parent support and education programs that build protective factors linked to the prevention of child abuse and neglect;

''(ii) mutual support and self-help programs;

''(iii) parental leadership skills development programs that support parents as leaders in their families and communities;

''(iv) respite care services; and

''(v) outreach and follow up services, which may include voluntary home visiting services; and

''(B) connecting individuals and families to community referral services, including referral to—

''(i) early childhood care and education programs such as a child care program, a Head Start program (including an Early Head Start program) carried out under the Head Start Act (42 U.S.C. 9831 et seq.), a developmental screening program, or a program carried out under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

''(ii) services and supports to meet the additional needs of families with children with disabilities or caregivers with disabilities;

''(iii) nutrition programs, which may include the special supplemental nutrition program for women, infants, and children program under section 17 of the Child Nutrition

Act of 1966 (42 U.S.C. 1786) and the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

''(iv) educational services, academic tutoring, adult education and literacy services, and workforce development activities, such as activities described in section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174);

''(v) self-sufficiency and life management skills development;

''(vi) health care (including mental health and substance use disorder services);

''(vii) peer counseling;

''(viii) domestic violence service programs that provide services and treatment to children and their nonabusing caregivers; and

''(ix) adoption services for individuals interested in adopting a child;

''(4) developing and maintaining leadership roles for the meaningful involvement of parents and other individuals with personal experience in the child welfare system in the development, operation, evaluation, and oversight of the services provided by the lead entity or community-based providers;

''(5) providing leadership in mobilizing local public and private resources to support the provision of community-based family strengthening services; and

''(6) coordinating services with State and local public agencies, community-based nonprofit organizations, and relevant private entities, to promote child, parent, and family well-being, including coordinating services through the development, operation, and expansion of State and local systems to develop a continuum of prevention programs and services to strengthen families and to prevent child abuse and neglect.

''SEC. 206. PERFORMANCE MEASURES.

''(a) MEASURES.—Each lead entity receiving a grant under this title shall collect information on the extent to which the State program carried out under this title meets measures relating to—

''(1) the effective development, operation, and expansion of community-based family strengthening services that meet the requirements of this title, including the use of systems-building approaches to increase access to such services for diverse populations;

''(2) the community-based family strengthening services supported under this title and an inventory of the types of such services provided in accordance with section 205 and a description that shall specify whether those services are evidence-based or evidence-informed;

''(3) the extent to which the lead entity has addressed the unmet needs identified by the inventory required under section 204(b)(1)(C)(i);

''(4)(A) the involvement of a diverse representation of families in the design, operation, and evaluation of community-based family strengthening services supported by grant funds under this title; and

''(B) the continued leadership of parents and other individuals with personal experience in the child welfare system in the ongoing planning, implementation, and evaluation of such community-based family strengthening services supported by grant funds under this title, demonstrated in an implementation plan;

''(5) the satisfaction among families who received community-based family strengthening services supported by grant funds under this title;

''(6) the establishment or maintenance of innovative funding mechanisms that blend Federal, State, local, and private funds, and of innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion, and enhancement of the community-based family strengthening services;

''(7) the effectiveness of activities conducted under this title in meeting the purposes of the program, demonstrated through the results of evaluation, or the outcomes of monitoring, conducted by the lead entity; and

''(8) the number of children and families that received community-based family strengthening services funded under this title, including a disaggregated count of families with children with disabilities and families with caregivers with disabilities.

''(b) REPORTS.—The lead entity shall submit to the Secretary a report containing the information described in subsection (a).

''SEC. 207. NATIONAL TECHNICAL ASSISTANCE FOR COMMUNITY-BASED FAMILY STRENGTHENING SERVICES.

''From the amount appropriated under section 209 for a fiscal year and remaining after the reservation under section 202(b), the Secretary may reserve not more than 5 percent to support, directly or through grants or contracts, the activities of lead entities—

''(1) to create, operate, and maintain a peer review process;

''(2) to create, operate, and maintain a national resource center;

''(3) to fund a yearly symposium on State system change efforts that result from the provision of the community-based family strengthening services;

''(4) to establish, operate, and maintain a computerized communication system between lead entities; and

''(5) to contribute to funding State-to-State technical assistance and professional development.

''SEC. 208. RULE OF CONSTRUCTION.

''Nothing in this title shall be construed to prohibit grandparents, kinship care providers, foster parents, adoptive parents, or any other individual, in a parenting role from receiving or participating in services and programs under this title.''.

SEC. 5202. AUTHORIZATION OF APPROPRIATIONS.

Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended—

(1) by striking ''this title'' and all that follows through ''2010'' and inserting the following: ''this title $270,000,000,000 for fiscal year 2023''; and

(2) by striking ''fiscal years 2011 through 2015'' and inserting ''fiscal years 2024 through 2028''.

SEC. 5203. CONFORMING AMENDMENTS.

Section 511 of the Social Security Act (42 U.S.C. 711) is amended in subsection (b)(2)—

(1) by striking ''of current unmet'' and all that follows through ''operating in the State''; and

(2) by striking ''section 205(3)'' and inserting ''section 204(b)(1)(C)''.

TITLE LIII—PREVENTING CHILD FATALITIES AND NEAR FATALITIES DUE TO CHILD ABUSE AND NEGLECT

SEC. 5301. IDENTIFYING AND PREVENTING CHILD FATALITIES AND NEAR FATALITIES DUE TO CHILD ABUSE AND NEGLECT.

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

''TITLE III—PREVENTING CHILD FATALITIES DUE TO CHILD ABUSE AND NEGLECT

''Subtitle A—Public Health Approaches to Identify and Prevent Child Fatalities and Near Fatalities Due to Child Abuse and Neglect

''SEC. 301. PURPOSE.

''The purpose of this subtitle is to develop coordinated leadership and shared responsibility at the Federal, State, Tribal, and local levels to implement data-driven strategies and reforms to prevent child fatalities and near fatalities due to child abuse and neglect from occurring in the future through the use of improved collection, reporting, and analysis of data on all child fatalities and near fatalities due to child abuse and neglect.

''SEC. 302. FEDERAL WORK GROUP ON DATA COLLECTION RELATED TO CHILD FATALITIES AND NEAR FATALITIES DUE TO CHILD ABUSE AND NEGLECT.

''(a) ESTABLISHMENT.—The Secretary shall establish the Federal Work Group on Data Collection Related to Child Fatalities and Near Fatalities Due to Child Abuse and Neglect (referred to in this subtitle as the 'Work Group').

''(b) IN GENERAL.—

''(1) COMPOSITION.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of the CAPTA Reauthorization Act of 2022, the Secretary shall appoint representatives to the Work Group from the Administration for Children and Families, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration.

''(B) OTHER FEDERAL AGENCIES.—The Work Group may include representatives from the Department of Justice, appointed by the Attorney General, and such other Federal agencies as the Secretary determines, appointed by the head of the agency involved.

''(2) CONSULTATION.—In carrying out the duties described in subsection (c), the Work Group shall consult with—

''(A) experts determined by the Secretary who meet the qualifications described in section 3(b)(1)(B) of the Protect our Kids Act of 2012 (Public Law 112–275; 126 Stat. 2460);

''(B) representatives of State and local child protective services agencies and other relevant public agencies; and

''(C) individuals with personal experience in the child welfare system.

''(c) DUTIES.—The Work Group shall—

''(1) oversee the development of data standards that are designed to promote consistent data collection related to child fatalities and near fatalities due to child abuse and neglect as described in section 303(c), and make related recommendations to the Secretary;

''(2) oversee the development of the case registry described in section 303(a), and make related recommendations to the Secretary;

''(3) make recommendations to the Secretary for the effective operation of the grant program described in section 304;

''(4) examine all Federal data collections related to child fatalities and near fatalities due to child abuse and neglect and make recommendations to the Secretary regarding—

''(A) how to improve the accuracy, uniformity, portability, and comparability of data regarding child fatalities and near fatalities due to child abuse and neglect, within and across States, localities, Indian Tribes, and Tribal organizations;

''(B) how to assure that such data collections are informative and effectively utilized by Federal, State, Tribal, and local policymakers, and the public to make data-driven decisions to identify, prevent, and respond to such fatalities and near fatalities; and

''(C) after analysis of the purposes and roles of data systems existing on the date of the recommendations, how to improve such data systems or next-generation data systems to more effectively meet the goals described in subparagraphs (A) and (B);

''(5) identify, and recommend to the Secretary, strategies, resources, and supports to improve Federal, State, Tribal, and local responses to child fatalities and near fatalities due to child abuse and neglect among Indian

(including Alaska Native) and Native Hawaiian children in a manner that includes consultation and coordination with Indian Tribes, Tribal organizations, and Native Hawaiian organizations (as such term is defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)); and

''(6) ensure that standards developed under this section are developed in accordance with all applicable Federal and State privacy law.

''(d) ANNUAL REPORT TO SECRETARY.—The Work Group shall annually prepare and submit to the Secretary a report on the activities carried out under subsection (c), including recommendations for improving the collection of data related to child fatalities and near fatalities due to child abuse and neglect.

''SEC. 303. CASE REGISTRY FOR CHILD FATALITIES AND NEAR FATALITIES DUE TO CHILD ABUSE AND NEGLECT.

''(a) IN GENERAL.—The Secretary shall operate a national case registry designed to support the collection of data related to child fatalities and near fatalities, to collect complete data on such incidents due to child abuse and neglect for the purposes of—

''(1) supporting the systematic collection and analysis of data regarding child fatalities and near fatalities due to child abuse and neglect, within and across States and Indian Tribes;

''(2) enabling States, Indian Tribes, and Tribal organizations to review data on all child fatalities and near fatalities for the presence of child abuse and neglect in accordance with uniform public health data standards, including by reviewing—

''(A) cases where an incident involving a child was reported to the child protective services system;

''(B) cases where an incident involving a child was not reported to the child protective services system but in which child abuse and neglect may have been present; and

''(C) cases that may or may not meet criminal or civil definitions of child abuse or neglect for purposes of substantiation or prosecution;

''(3) enabling analysis of data collected through such registry to support reforms of Federal, State, Tribal, and local policies and procedures intended to identify, prevent, and respond to future child fatalities and near fatalities due to child abuse and neglect; and

''(4) increasing transparency and shared responsibility across public agencies that serve children and families by making data collected through such registry accessible by the public, to the extent permitted by applicable privacy law.

''(b) INTEGRATION WITH EXISTING DATA SYSTEMS.—In operating the case registry described in subsection (a), the Secretary may integrate or append data from such case registry into or onto data of data systems supported by the Health Resources and Services Administration or Centers for Disease Control and Prevention, as appropriate and shall maintain such integrated or appended data in accordance with all applicable Federal and State privacy law.

''(c) UNIFORM PUBLIC HEALTH DATA STANDARDS.—

''(1) IN GENERAL.—For the purposes of operating the case registry described in subsection (a), the Secretary shall develop uniform public health data standards that are designed to promote consistent data collection related to child fatalities and near fatalities due to child abuse and neglect and include, as determined by the Secretary, uniform definitions, operational standards, standards for consistent procedures, and data elements for reviewing fatalities and near fatalities due to child abuse and neglect.

''(2) DEFINITIONS.—The uniform public health data standards described in paragraph (1) shall be designed for public health purposes and not rely solely on criminal or civil definitions of child abuse and neglect.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall provide (including through grants, contracts, or cooperative agreements) technical assistance and resources to encourage the adoption and implementation of the standards described in this subsection and support the participation of States, Indian Tribes, and Tribal organizations in the national case registry described in subsection (a).

''(4) CHILD FATALITY AND NEAR-FATALITY INVESTIGATION PROTOCOL.—As part of the uniform public health data standards described in paragraph (1), the Secretary may develop a standardized child fatality and near-fatality investigation protocol for use by medical examiners, coroners, health care professionals, first responders, and other entities determined appropriate by the Secretary, to improve data collection on child fatalities and near fatalities due to child abuse and neglect.

''SEC. 304. GRANTS FOR STATE, INDIAN TRIBE, AND TRIBAL ORGANIZATION CHILD FATALITY REVIEW OF CHILD ABUSE AND NEGLECT FATALITIES AND NEAR FATALITIES.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary may award grants or cooperative agreements to States, Indian Tribes, and Tribal organizations for the purposes of assisting such States, Indian Tribes, and Tribal organizations in—

''(A) supporting entities carrying out child fatality review programs (which entities are referred to individually in this title as a 'child fatality review program'), including at the local level, in the review of all incidents of child fatalities and near fatalities due to child abuse or neglect, including incidents in which the child victim was known by or referred to the child protective services system;

''(B) improving data collection and reporting related to child fatalities and near fatalities due to child abuse and neglect, including intrastate and interstate data comparability;

''(C) encouraging voluntary reporting to the case registry authorized under section 303(a); and

''(D) developing coordinated leadership and shared responsibility across State and local public agencies, Indian Tribes, and Tribal organizations that support children and families to implement data-driven strategies and reforms in order to identify, prevent, and respond to child fatalities and near fatalities due to child abuse and neglect.

''(2) CAPACITY BUILDING GRANTS.—The Secretary may reserve a portion of funds appropriated under section 321, and not reserved under section 305, to award grants or cooperative agreements to States, Indian Tribes, and Tribal organizations for the purposes of increasing the capacity of such States, Indian Tribes, and Tribal Organizations to conduct reviews of child near fatalities due to child abuse and neglect.

''(b) APPLICATION.—A State, Indian Tribe, or Tribal organization desiring a grant or cooperative agreement under subsection (a)(1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) the fatality review plan of the State, Indian Tribe, or Tribal organization to ensure—

''(A) the corresponding child fatality review program will, for the purposes of identifying fatalities and near fatalities due to child abuse and neglect and preventing such incidents in the future, conduct comprehensive and multidisciplinary reviews of all cases of child fatalities and near fatalities within the State or Indian Tribe, as the case may be, within a reasonable timeframe, and allow the State, Indian Tribe, or Tribal organization to increase the number of cases reviewed over time and review all such cases for child abuse and neglect utilizing the consistent procedures described in paragraph (2); and

''(B) the State, Indian Tribe, or Tribal organization will submit information for each case of a fatality or near fatality due to child abuse or neglect identified by the reviews described in subparagraph (A) to the case registry described in section 303(a), in alignment with the consistent procedures described in paragraph (2), including information about the circumstances in which each case occurred, such as—

''(i) the cause of the death listed on the death certificate in the case of a child fatality, and the type of life-threatening injury in the case of a child near fatality;

''(ii) whether the child was reported to the child protective services system;

''(iii) the responses made by the child protective services system (which may include services or investigations, as applicable), including any determinations by such agency;

''(iv) the child's living arrangement or placement at the time of the incident;

''(v) the perpetrator's relationship to the child;

''(vi) any known previous child abuse or neglect of the child by other perpetrators and of any child abuse or neglect of other children by the perpetrator;

''(vii) the demographics and relevant characteristics of the child, perpetrator, and family;

''(viii) the child's encounters with the health care system within the past 12 months prior to the incident involved for suspected or confirmed child abuse or neglect; and

''(ix) other relevant data as determined by the Secretary designed to inform future identification, prevention, and response efforts;

''(2) a description of how the State, Indian Tribe, or Tribal organization will, within a timeframe established by the Secretary, develop consistent procedures to conduct the reviews described in paragraph (1)(A) that are aligned with the uniform public health data standards developed under section 303(c) for the purposes of developing a public health approach to the identification of child abuse and neglect that—

''(A) does not rely solely on criminal or civil definitions of child abuse and neglect for the purposes of substantiation; and

''(B) reduces human error and bias, particularly racial bias, in carrying out such reviews;

''(3) a description of how the child fatality review program of the State, Indian Tribe, or Tribal organization will ensure such program—

''(A) will coordinate activities with relevant entities to collect data from medical examiners, coroners, vital statistics personnel, law enforcement, medical professionals, hospitals, first responders, the child protective services system, and other agencies that possess relevant data, and how the program and such entities will examine the circumstances surrounding a child fatality or near fatality due to child abuse or neglect;

''(B) will make information collected by such program publicly accessible to support data-informed strategies and reforms, across State and local public agencies, Indian Tribes, and Tribal organizations, that are designed to identify, prevent, and respond to

future child fatalities and near fatalities due to child abuse and neglect; and

''(C) will provide all information collected by the child fatality review program of the State, Indian Tribe, or Tribal organization under the grant to the State to support such State's reporting of data under section 106(d)(3)(E)(i)(II)(bb);

''(4) a description of how the child fatality review program of the State, Indian Tribe, or Tribal organization will improve and standardize the identification of near fatalities due to child abuse and neglect across the State or Indian Tribe involved, as the case may be, including—

''(A) how the State, Indian Tribe, or Tribal organization will collect information regarding life-threatening injuries related to child abuse and neglect and report such information to the child fatality review program of the State, Indian Tribe, or Tribal organization; and

''(B) how the State, Indian Tribe, or Tribal organization will coordinate with health care professionals, hospital systems, and child protective services agencies in identifying life-threatening injuries related to child abuse and neglect and reporting relevant information to the child fatality review program of the State, Indian Tribe, or Tribal organization; and

''(5) an assurance that the State, Indian Tribe, or Tribal organization will develop a fatality and near-fatality prevention plan (in alignment with the requirements of section 422(b)(19)(B) of the Social Security Act (42 U.S.C. 622(b)(19)(B)) that is designed to implement data-driven strategies and reforms across the State or the Indian Tribe served, as the case may be, in order to prevent child fatalities and near fatalities due to child abuse and neglect from occurring in the future, which plan shall include—

''(A) an analysis of the data collected under the State, Indian Tribe, or Tribal organization plan described in paragraph (1) and data from other relevant sources in order to identify the children at the highest risk of child fatalities and near fatalities due to child abuse and neglect, including an analysis that—

''(i) identifies—

''(I) individual, family, and community risk factors;

''(II) protective factors; and

''(III) other circumstances associated with such data; and

''(ii) examines relevant State, local, Indian Tribe, and Tribal organization policies and practices associated with cases in which such a fatality or near fatality occurred, including systemic failures across public agencies related to such cases; and

''(B) a description of how the child protective services system will update its policies and procedures in response to the data analysis described in subparagraph (A) to prioritize safety screenings for children who match characteristics identified in the analysis as at the highest risk and implement other necessary reforms responsive to the findings of the analysis; and

''(6) a description of how the State, Indian Tribe, or Tribal organization will coordinate the leadership of the State and local public agencies, Indian Tribe, or Tribal organization that supports children and families, to develop shared responsibility to protect children at the highest risk of child fatalities and near fatalities due to child abuse and neglect and to implement changes in policies and practices of the State, Indian Tribe, or Tribal organization in response to the findings of the analysis described in paragraph (5)(A) to prevent such incidents, which changes may include improvements in policies and practices related to child protection, health care (including mental health care), substance use disorders, domestic violence, law enforcement, education, social services, and formal and informal support systems that have contact with children and families.

''(c) USES OF FUNDS.—A State, Indian Tribe, or Tribal organization receiving a grant or cooperative agreement under subsection (a)(1)—

''(1) shall use such funds to—

''(A) implement the child fatality review plan of the State, Indian Tribe, or Tribal organization described in subsection (b)(1), including by—

''(i) increasing the capacity of the child fatality review program of the State, Indian Tribe, or Tribal organization to conduct reviews of all cases of child fatalities and near fatalities for child abuse and neglect, regardless of the involvement of such cases with the child protective services system; and

''(ii) enabling the submission of required data under such plan to the case registry described in section 303(a);

''(B) support the development and adoption of consistent procedures described in subsection (b)(2) to ensure that all cases of child fatalities and near fatalities due to child abuse and neglect are reviewed consistently within the State or Indian Tribe, as the case may be;

''(C) supporting coordination between the child fatality review program of the State, Indian Tribe, or Tribal organization and the child protective services system, including by providing all relevant child welfare information and information collected by such child fatality review program to the system in accordance with subsection (b)(3)(C); and

''(D) developing the fatality and near-fatality prevention plan of the State, Indian Tribe, or Tribal organization described in (b)(5), including conducting necessary data analysis and examination; and

''(2) may use such funds to—

''(A) conduct research related to the data described in the fatality review plan of the State, Indian Tribe, or Tribal organization;

''(B) identify protective factors associated with the prevention of child abuse and neglect, and support changes in the policies and practices of the State, Indian Tribe, or Tribal organization, across public agencies that serve children and families to support the development of such factors; and

''(C) develop, implement, or scale real-time electronic data sharing or improvements in increased interoperability of relevant data among State and local public agencies, Indian Tribes, and Tribal organizations, that serve children and families, to improve submission and analysis of data required under this section.

''(d) REPORTING.—

''(1) STATE, INDIAN TRIBE, AND TRIBAL ORGANIZATION REPORTING.—Each State, Indian Tribe, or Tribal organization that receives funds under subsection (a)(1), for each year such funds are received, shall provide a report to the Secretary containing such information, in such manner as the Secretary may require, including, at a minimum—

''(A) a description of how such State, Indian Tribe, or Tribal organization utilized funds provided under subsection (a)(1), including the number and percentage of all cases of child fatalities and near fatalities within the State or the Indian Tribe involved, as the case may be, that were—

''(i) reviewed for child abuse and neglect using such funds; and

''(ii) so reviewed and identified, using such funds, as due to child abuse and neglect in accordance with the consistent procedures described in subsection (b)(2) of the State, Indian Tribe, or Tribal organization;

''(B) a description of the progress of the State, Indian Tribe, or Tribal organization in—

''(i) implementing its fatality review plan described in subsection (b)(1), including submitting data required under such plan to the case registry described in section 303(a);

''(ii) developing and implementing the consistent procedures described in subsection (b)(2) of the State, Indian Tribe, or Tribal organization, including the extent to which such consistent procedures are aligned with the uniform public health data standards described in section 303(c); and

''(iii) identifying and standardizing the identification of near fatalities described in subsection (b)(4); and

''(iv) developing the fatality and near-fatality prevention plan of the State, Indian Tribe, or Tribal organization required under subsection (b)(5), including conducting data analysis to identify children in the State, Indian Tribe, or Tribal organization at the highest risk of child fatalities and near fatalities due to child abuse and neglect, and identifying potential reforms in accordance with such plan's requirements; and

''(C) a description of how the State, Indian Tribe, or Tribal organization coordinated the leadership of State and local public agencies, Indian Tribes, and Tribal organizations, that support children and families, to develop shared responsibility to protect children at the highest risk of child fatalities and near fatalities due to child abuse and neglect, and implemented changes in policies and practices in response to the findings of the analysis described in subsection (b)(5)(A) and the activities supported under this section.

''(2) SECRETARY'S REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives, that includes a summary of reports submitted by States, Indian Tribes, and Tribal organizations under paragraph (1) and the Secretary's recommendations or observations on the challenges, successes, and lessons derived from—

''(A) the recommendations of the Work Group described in section 302(c);

''(B) operation of the case registry described in section 303(a); and

''(C) implementation of the grant program authorized under subsection (a)(1).

''SEC. 305. ASSISTING STATE, INDIAN TRIBE, AND TRIBAL ORGANIZATION IMPLEMENTATION.

''The Secretary shall reserve not more than 15 percent of funds appropriated under section 321 to provide guidance and technical assistance, directly or through grants or cooperative agreements, to support State and local public agencies, Indian Tribes, and Tribal organizations in—

''(1) submitting uniform and comparable data to the case registry authorized under section 303(a);

''(2) developing applications for the program authorized under section 304 and implementing such program;

''(3) developing and supporting the adoption of consistent procedures described under section 304(b)(2), to assure that all child fatalities and near fatalities due to child abuse and neglect are reviewed consistently within States and Indian Tribes, which procedures shall be aligned with uniform public health data standards described in section 303(c); and

''(4) implementing data-driven strategies and reforms in order to prevent child fatalities and near fatalities due to child abuse and neglect from occurring in the future

through the use of improved collection, reporting, and analysis of data on all child fatalities and near fatalities due to child abuse and neglect.''.

SEC. 5302. CHILD ABUSE AND NEGLECT RECORDS.

Title III of the Child Abuse Prevention and Treatment Act, as added by section 5301 of this Act, is amended by adding at the end the following:

''Subtitle B—Child Abuse and Neglect Records

''SEC. 311. ELECTRONIC INTERSTATE DATA EXCHANGE SYSTEM.

''(a) PURPOSE.—The purpose of this subtitle is to reduce child fatalities and near fatalities due to child abuse or neglect by improving child welfare investigations through the use of accurate and efficient exchange of interstate and intrastate child abuse and neglect registry records.

''(b) WORKING GROUP.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of the CAPTA Reauthorization Act of 2022, the Secretary shall convene a working group (referred to in this subtitle as the 'working group') to study improving child welfare investigations through the use of accurate and efficient exchange of interstate and intrastate child abuse and neglect registry records. Such working group shall include representatives of Federal, State, and local public agencies knowledgeable about child abuse and neglect registry records and other representatives knowledgeable about interstate data systems.

''(2) DUTIES.—The working group shall study and make recommendations to the Secretary on each of the following topics:

''(A) Improving intrastate and interstate communication, including by examining the use of technology and the development of an electronic interstate data exchange system, to allow for accurate and efficient exchange of interstate and intrastate child abuse and neglect registry records.

''(B) Reducing barriers to providing, and establishing best practices for States to provide, timely responses to requests from other States for information contained in State and local child abuse and neglect registries.

''(C) Identifying data elements currently (as of the date of the establishment of the working group) stored in State and local child abuse and neglect registries and determining—

''(i) which such data elements should be accessible for data exchange between and within State and local child welfare agencies to improve child welfare investigations; and

''(ii) whether access to such data elements through an electronic interstate data exchange system should be limited to cases involving reported, investigated, or substantiated child abuse and neglect.

''(D) Identifying potential obstacles that may prevent States from participating in an electronic interstate data exchange system and developing recommendations for overcoming such obstacles.

''(E) Determining how lessons learned from the development and implementation of the electronic interstate data exchange system related to the Interstate Compact on the Placement of Children may be used to inform the development of an electronic interstate data exchange system of child abuse and neglect records.

''(F) Examining recommendations made by the Interagency Task Force for Child Safety established under the Child Care Protection Improvement Act of 2020 (Public Law 116–279) and identifying relevant recommendations for the development of an electronic interstate date exchange system.

''(G) Identifying best practices for the use of information from State and local child abuse and neglect registries as part of screening and investigating allegations of child abuse or neglect to improve children's safety.

''(H) Ensuring procedural due process for any individual included in a State or local child abuse and neglect registry, including recommendations for protections relating to—

''(i) the level of evidence necessary for inclusion in such registry;

''(ii) the process for notifying such individual of inclusion in the such registry and of the implications of such inclusion;

''(iii) the process for providing such individual the opportunity to challenge such inclusion, and the procedures for resolving such challenge; and

''(iv) the length of time an individual's record is to remain in such registry, and the process for removing such individual's record.

''(I) Establishing criteria for when an individual's child abuse and neglect registry record may be shared through an electronic interstate data exchange system.

''(3) REPORT.—Not later than 18 months after the initial convening of the working group, the working group shall submit a report containing the recommendations described in paragraph (2) to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the CAPTA Reauthorization Act of 2022, taking into consideration the recommendations included in the report required under subsection (b)(3), the Secretary shall—

''(A) develop an electronic interstate data exchange system, in accordance with paragraph (2); and

''(B) establish a pilot program, and award grants to support participation in such pilot program, in accordance with paragraph (3).

''(2) ELECTRONIC INTERSTATE DATA EXCHANGE SYSTEM.—The Secretary shall enter into a cooperative agreement or contract with an entity to develop an electronic interstate data exchange system. Such system shall include, to the greatest extent practicable, the following operational standards:

''(A) Interoperable data standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model.

''(B) Policies and governance standards that—

''(i) ensure consistency, accuracy, and reliability in types of information shared and not shared;

''(ii) specify circumstances under which data should be shared through the electronic interstate data exchange system;

''(iii) ensure procedural due process for individuals included in a State or local child abuse and neglect registry, including policies aligned with the recommendations described in subsection (b)(1)(H); and

''(iv) are in accordance with all applicable Federal and State privacy law.

''(3) PILOT PROGRAM FOR IMPLEMENTATION OF THE ELECTRONIC INTERSTATE DATA EXCHANGE SYSTEM.—

''(A) IN GENERAL.—The Secretary shall award grants to entities responsible under State law for maintaining child abuse and neglect registries, including State and local child welfare agencies, to support their participation in a pilot program to—

''(i) utilize the electronic interstate data exchange system described in paragraph (2) to allow for accurate and efficient exchange of interstate and intrastate child abuse and neglect registry records;

''(ii) work with the Secretary to develop and update operational standards for the electronic interstate data exchange system and make improvements to such system; and

''(iii) update the existing data systems of such entities to improve participation in the electronic interstate data exchange system.

''(B) PARTICIPATION.—In awarding grants under this paragraph, the Secretary shall, ensure that, to the extent practicable, grants are—

''(i) distributed to not less than 10 States; and

''(ii) distributed among States that collectively are geographically diverse.

''(4) PILOT REPORT.—Not later than 3 years after grants are awarded under paragraph (3), the Secretary shall—

''(A) prepare a report detailing the outcomes of the pilot program described in such paragraph, recommendations to improve the electronic interstate data exchange system described in paragraph (2), and recommendations for nationwide implementation of an electronic interstate data exchange system; and

''(B) submit such report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

''(d) NATIONWIDE EXPANSION OF THE ELECTRONIC INTERSTATE DATA EXCHANGE SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after submitting the report described in subsection (c)(4)(B), the Secretary shall—

''(A) enter into or continue a cooperative agreement or contract, in accordance with the requirements of subsection (c)(2), to improve and expand the electronic interstate data exchange system described in subsection (c), which may include updating the operational standards for such system; and

''(B) award grants to entities responsible under State law for maintaining child abuse and neglect registries, including State and local child welfare agencies, to—

''(i) support increased State participation in the electronic interstate data exchange system described in this subsection; and

''(ii) update the existing data systems of such entities to improve participation in such electronic interstate data exchange system.

''(2) GRANTS TO ENTITIES.—

''(A) IN GENERAL.—In carrying out paragraph (1)(B), the Secretary may award grants on a competitive or formula basis, as determined by the Secretary, who shall ensure that such grants are of sufficient size and scope to allow the entities described in such paragraph to effectively participate in the electronic interstate data exchange system.

''(B) NATIONWIDE PARTICIPATION.—In carrying out this subsection, the Secretary shall award grants in a manner that facilitates nationwide participation in the electronic interstate data exchange system described in this subsection, to the greatest extent practicable.

''(e) LIMITATION ON USE OF ELECTRONIC INTERSTATE DATA EXCHANGE SYSTEM.—An electronic interstate data exchange system described in this section shall be used only for purposes of improving child welfare investigations between and within States and ensuring the safety of children placed in foster or adoptive homes.

''(f) PROHIBITION.—The Secretary may neither access nor store data from an electronic interstate data exchange system described in this section.

''(g) REPORTS.—Not later than 2 years after September 30 of the fiscal year that the Secretary awards grants under subsection (d), and every year thereafter, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of

the Senate and the Committee on Education and Labor of the House of Representatives on—

''(1) the number of States participating in the electronic interstate data exchange system described in such subsection;

''(2) challenges faced by States not able to fully participate in such electronic interstate data exchange system; and

''(3) any other information considered relevant by the Secretary for the implementation of this section, including any legislative changes that may be necessary to allow participation by all States in such electronic interstate data exchange system.''.

SEC. 5303. AUTHORIZATION OF APPROPRIATION.

Title III of the Child Abuse Prevention and Treatment Act, as amended by section 5302 of this Act, is further amended by adding at the end the following:

''Subtitle C—Authorization of Appropriations

''SEC. 321. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $25,000,000 for fiscal year 2023, and such sums as may be necessary for each of fiscal years 2024 through 2028.''.

TITLE LIV—RESPONSE TO INFANTS AFFECTED BY PARENTAL SUBSTANCE USE DISORDER

SEC. 5401. AMENDING THE CAPTA TO PROVIDE FOR A PUBLIC HEALTH RESPONSE TO INFANTS AFFECTED BY PARENTAL SUBSTANCE USE DISORDER.

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by inserting after title III, as added by section 5301, the following:

''TITLE IV—PUBLIC HEALTH RESPONSE TO INFANTS AFFECTED BY PARENTAL SUBSTANCE USE DISORDER

''SEC. 401. PURPOSE.

''The purpose of this title is to ensure the safety, permanency, and well-being of infants affected by parental substance use disorder, by supporting States in providing a public health response to the impact of substance use disorders on infants, pregnant women, and families by—

''(1) supporting the health and well-being of infants, pregnant women, and parents rather than penalizing the parents;

''(2) developing comprehensive family care plans to address the needs of infants, pregnant women, parents, families, and caregivers;

''(3) increasing access to evidence-based substance use disorder treatment, including medications for opioid use disorder, and other services for pregnant women and parents with a substance use disorder and their infants, including ensuring that women can access necessary prenatal and postpartum services to improve maternal and infant health outcomes;

''(4) supporting pregnant women and parents with a substance use disorder, families, and caregivers in building protective factors so that infants are at a low risk of child abuse or neglect;

''(5) providing access to appropriate screening, assessment, and intervention services for infants affected by parental substance use disorder; and

''(6) improving the capacity of and coordination between health care professionals (including substance use disorder professionals), child welfare workers, and other personnel involved in the development, implementation, and monitoring of family care plans.

''SEC. 402. REQUIREMENTS.

''(a) IN GENERAL.—Each State receiving Federal funds under section 106 or section 404 shall have in effect policies and procedures that meet the requirements of this section.

''(b) DESIGNATION.—The Governor of the State shall designate a State agency with expertise in public health as a State lead agency to work collaboratively with State and local public health agencies, substance abuse agencies, child welfare agencies, the State Medicaid program, and maternal and child health agencies to carry out the State's public health response to strengthen families and ensure the safety and well-being of—

''(1) infants affected by parental substance use disorder; and

''(2) parents, families, and caregivers of such infants.

''(c) FAMILY CARE PLANS.—At the same time a State submits a State plan under section 106(b)(1), the State lead agency designated by the Governor under subsection (b) shall provide to the Secretary a description of the State's policies and procedures to ensure the safety and well-being of infants affected by parental substance use disorder, and the well-being of the parents of such infants, including a description of—

''(1) how the State is implementing and monitoring family care plans, including by—

''(A) developing family care plans prior to the expected delivery of the infant; and

''(B) conducting necessary follow up after the birth of such infant to ensure that parents, families, and caregivers are able to access supports and services, and to ensure the safety and well-being of such infants;

''(2) the State's policies and procedures for requiring providers involved in the delivery or care of infants affected by parental substance use disorder to notify the State lead agency designated under subsection (b) of the occurrence of such condition in such infants;

''(3) the State's policies and procedures to ensure the development of a multi-disciplinary family care plan for an infant affected by parental substance use disorder and such infant's parents, family, and caregiver to ensure the safety and well-being of such infant following release from the care of health care providers, including by—

''(A) using a family assessment approach to develop each family care plan;

''(B) addressing, through coordinated service delivery, the health, developmental, safety, and substance use disorder treatment needs of the infant and affected parent; and

''(C) the development and implementation by the State of monitoring systems regarding the implementation of such plans to determine whether, and in what manner, local entities are providing, in accordance with State requirements, referrals to and delivery of appropriate services for the infant, affected parent, family, and caregiver.

''(4) the State's plan to develop a system for purposes of notifications required by paragraph (2) that is distinct and separate from the system used in the State to report child abuse and neglect, and designed to promote a public health response to infants affected by parental substance use disorder, and not for the purpose of initiating an investigation of child abuse or neglect.

''(d) SPECIAL RULE.—Nothing in this section shall be construed to—

''(1) establish a definition under Federal law of what constitutes child abuse or neglect;

''(2) require investigation or prosecution for any illegal action, including a response by the State's child protective services system; or

''(3) imply that use of medications, including medications for opioid use disorder, to treat substance use disorder in pregnancy necessitates the intervention of a child welfare system without separate evidence of child abuse or neglect.

''(e) ANNUAL REPORT.—The State lead agency designated by the Governor under subsection (b) shall annually work with the Secretary to provide a report that provides the number of infants—

''(1) identified under subsection (c)(2);

''(2) for whom a family care plan was developed under subsection (c)(3); and

''(3) for whom a referral was made for appropriate services, including services for the affected parent, family, or caregiver, under subsection (c)(3).

''SEC. 403. NATIONAL TECHNICAL ASSISTANCE AND REPORTING.

''(a) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to support States in complying with the requirements of section 402(c) that includes—

''(1) disseminating best practices on implementation of multidisciplinary family care plans;

''(2) addressing State-identified challenges with developing, implementing, and monitoring family care plans;

''(3) supporting collaboration and coordination across substance abuse agencies, child welfare agencies, maternal and child health agencies, family courts, and other community partners;

''(4) supporting State efforts to develop information technology systems to manage family care plans; and

''(5) providing technical assistance in accordance with the infants with prenatal substance- exposure initiative developed by the National Center on Substance Abuse and Child Welfare.

''(b) SECRETARY'S REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and Labor, the Committee on Appropriations of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that includes, at a minimum, information on—

''(1) the activities of the Secretary under subsection (a);

''(2) the progress of States in developing, implementing, and monitoring family care plans to ensure a public health response to addressing the needs of infants affected by parental substance use disorder and the parents of such infants, including connection to treatment services if necessary, and as appropriate, recommendations for improving such practices; and

''(3) the progress of States in safely reducing the number of infants affected by parental substance use disorder entering the child protective services system.

''SEC. 404. GRANT PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to award grants to States for the purpose of assisting the State lead agency designated by the Governor under section 402(b) in coordinating a partnership with maternal and child health agencies, child welfare agencies, public health agencies, mental health agencies, social services agencies, substance abuse agencies, health care facilities with labor and delivery units, and health care providers to facilitate collaboration in developing, updating, implementing, and monitoring family care plans described in section 402(c).

''(b) DISTRIBUTION OF FUNDS.—

''(1) RESERVATIONS.—Of the amounts made available to carry out subsection (a), the Secretary shall reserve—

''(A) no more than 3 percent for the purposes described in subsection (g); and

''(B) no less than 3 percent for grants to Indian Tribes and Tribal organizations to address the needs of infants affected by parental substance use disorder and their parents, families, or caregivers, which, to the extent practicable, shall be consistent with the uses of funds described under subsection (d).

''(2) ALLOTMENTS TO STATES AND TERRITORIES.—The Secretary shall allot the amount made available to carry out subsection (a) that remains after application of paragraph (1) to each State that applies for such a grant, in an amount equal to the sum of—

''(A) $500,000; and

''(B) an amount that bears the same relationship to any funds made available to carry out subsection (a) and remaining after application of paragraph (1) and subparagraph (A), as the number of live births in the State in the previous calendar year bears to the number of live births in all States in such year.

''(3) RATABLE REDUCTION.—If the amount made available to carry out subsection (a) is insufficient to satisfy the requirements of paragraph (2)(A), the Secretary shall ratably reduce each allotment to a State.

''(c) APPLICATION.—A State desiring a grant under subsection (a) shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall include, at a minimum—

''(1) a description of—

''(A) how the State lead agency designated under section 402(b) will coordinate with relevant State entities and programs (including maternal and child health providers, the child welfare agency, public health agencies, mental health agencies, the State substance abuse agency, health care facilities with labor and delivery units, health care providers, programs funded by the Substance Abuse and Mental Health Services Administration that provide substance use disorder treatment for women, maternal and child health programs funded by the Health Resources and Services Administration, the State Medicaid program, the State agency administering the block grant program under title V of the Social Security Act (42 U.S.C. 701 et seq.), the State agency administering the programs funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), the maternal, infant, and early childhood home visiting programs under section 511 of the Social Security Act (42 U.S.C. 711), Early Head Start, the State judicial system, domestic violence agencies, and other agencies, as determined by the Secretary) and any Indian Tribes and Tribal organizations located in the State to develop the application under this subsection and implement the activities under this section;

''(B) how the State plans to use funds for activities described in subsection (d) for the purposes of meeting the requirements of section 402(c);

''(C) if applicable, how the State plans to utilize funding authorized under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) to assist in carrying out any family care plan, including funding authorized under section 471(e) of such Act for mental health and substance use disorder prevention and treatment services and in-home parent skill-based programs and funding authorized under such section 472(j) for children with a parent in a licensed residential family-based treatment facility for substance use disorder; and

''(D) the treatment and other services and programs available in the State to effectively carry out any family care plan developed, including identification of needed treatment, and other services and programs to ensure the well-being of young children and their families affected by substance use disorder; and

''(2) an assurance that the State will comply with requirements to refer a child identified as substance-exposed to early intervention services as required pursuant to a grant under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).

''(d) USES OF FUNDS.—Funds awarded to a State under subsection (b)(2) may be used for the following activities, which may be carried out by the State directly, or through grants or subgrants, contracts, or cooperative agreements:

''(1) Improving State and local systems with respect to the development and implementation of family care plans, which—

''(A) shall address the health and substance use disorder treatment needs of the infant and affected parent, including parent and caregiver engagement, regarding available treatment and service options and include resources available for pregnant and postpartum women; and

''(B) may include activities such as—

''(i) developing policies, procedures, or protocols for the administration or development of evidence-based and validated screening tools for infants who may be affected by parental substance use disorder and for pregnant and postpartum women with a substance use disorder;

''(ii) improving assessments used to determine the needs of the infant, parents, and family members, including kinship or other caregivers;

''(iii) improving ongoing case management services;

''(iv) improving access to treatment services, which may be initiated prior to the pregnant woman's delivery date;

''(v) keeping families safely together, to the greatest extent possible;

''(vi) developing the notification pathway as an alternative to a child maltreatment notification, as described in section 402(c)(2); and

''(vii) developing procedures to engage health care professionals who provide care for pregnant and postpartum women and their infants to ensure the coordination of family care plans.

''(2) Establishing partnerships, agreements, or memoranda of understanding between the State lead agency and other entities (including health professionals, health care facilities, child welfare professionals, juvenile and family court judges, substance use and mental disorder treatment programs, early childhood education programs, maternal and child health and early intervention professionals (including home visiting providers), peer-to-peer recovery programs such as parent mentoring programs, domestic violence agencies, and housing agencies) to facilitate the successful development, implementation, and monitoring of family care plans, including development of plans prior to the expected delivery of the infant, by—

''(A) developing a comprehensive, multidisciplinary assessment and intervention process for infants, pregnant women, and their families who are affected by substance use disorder that includes meaningful engagement with, and takes into account the unique needs of, each family and addresses differences between medically supervised substance use (including for the treatment of substance use disorder) and a substance use disorder;

''(B) ensuring that treatment approaches for serving infants, and pregnant and postpartum women whose infants may be affected by parental substance use disorder are designed to, where appropriate, keep infants in the custody of their mothers during both inpatient and outpatient treatment;

''(C) increasing access to all evidence-based medications, behavioral therapy, and counseling services, for the treatment of substance use disorders, as appropriate; and

''(D) increasing access to residential treatment programs designed to keep infants with their parents during inpatient residential treatment.

''(3) Developing policies, procedures, or protocols in consultation and coordination with health professionals, public and private health care facilities, and substance abuse agencies to ensure that—

''(A) appropriate notification to the appropriate agency determined by the Governor's office is made in a timely manner, as required under section 402(c)(2);

''(B) a family care plan is in place, in accordance with section 402(c)(3) before the infant is discharged from the birth or health care facility; and

''(C) such health and related agency professionals are educated on how to follow such protocols and are aware of the supports that may be provided under a family care plan.

''(4) Educating health professionals and health system leaders, early intervention professionals, child welfare workers, substance abuse treatment agencies, and other related professionals such as home visiting agency staff and law enforcement in relevant topics, including—

''(A) the referral and process requirements for notification to the appropriate agency as determined by the Governor when child abuse or neglect reporting is not mandated, including education on how such notification pathway is distinct and separate from the pathway used in the State to report child abuse and neglect;

''(B) the co-occurrence of pregnancy and substance use disorder, and implications of prenatal exposure;

''(C) the evidence-based clinical guidance from nationally-recognized standard setting organizations about treating substance use disorder in pregnant and postpartum women;

''(D) appropriate screening and interventions for infants affected by parental substance use disorder and the requirements section 402(c); and

''(E) appropriate multigenerational strategies to address the mental health needs related to substance use disorder for infants and their parents, families, or caregivers.

''(5) Developing and updating systems of technology for improved data collection and monitoring of family care plans, including existing electronic medical records, to measure the outcomes achieved through the family care plans, including monitoring systems to meet the requirements of this title and submission of performance measures.

''(e) REPORTING.—Each State that receives funds under this section, for each year such funds are received, shall submit a report to the Secretary that includes—

''(1) the impact of substance use disorder in such State, including with respect to the substance or class of substances with the highest incidence of abuse in the previous year in such State, including—

''(A) the prevalence of substance use disorder in such State;

''(B) the aggregate rate of births in the State of infants affected by parental substance use disorder (as determined by hospitals, insurance claims, claims submitted to the State Medicaid program, or other records), if available and to the extent practicable;

''(C) the number and percentage of infants identified, for whom a family care plan was developed, and for whom a referral was made for appropriate services;

''(D) the number and percentage of family care plans developed prior to the expected delivery of an infant affected by parental substance use disorder; and

''(E) the challenges the State faces in developing, implementing, and monitoring family care plans in accordance with section 402(c);

''(2) data disaggregated by geographic location, economic status, race and ethnicity, except that such disaggregation shall not be required if the results would reveal personally identifiable information on, with respect to infants identified under section 402(c)(2)—

''(A) the number who experienced removal associated with parental substance use disorder;

''(B) the number who experienced removal and subsequently are reunified with their parents, and the length of time between such removal and reunification;

''(C) the number who are referred to community providers without a child protection case;

''(D) the number who receive services while in the care of their parents;

''(E) the number who receive post-reunification services within 1 year after a reunification has occurred; and

''(F) the number who experienced a return to out-of-home care within 1 year after reunification.

''(f) SECRETARY'S REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and Labor, the Committee on Appropriations of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that includes the information described in subsection (e) and recommendations or observations on the challenges, successes, and lessons derived from implementation of the grant program.

''(g) EVALUATION.—The Secretary shall use the amount reserved under subsection (b)(1)(A) to carry out an independent evaluation to measure the effectiveness of the program assisted under this section in—

''(1) developing comprehensive family care plans to support the needs of infants, parents, families, and caregivers;

''(2) increasing access to treatment support and other services for pregnant and postpartum women with a substance use disorder and their children;

''(3) providing access to appropriate screening, assessment, and intervention services for infants affected by parental substance use disorder;

''(4) improving the capacity of health care professionals, child welfare workers, and other personnel involved in the development, implementation, and monitoring of family care plans; and

''(5) safely reducing the number of infants who are placed in out-of-home care.

''SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $60,000,000 for each of fiscal years 2023 through 2028.''.

TITLE LV—ADOPTION OPPORTUNITIES

SEC. 5501. PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 201. PURPOSE.'';

(2) by striking subsection (a); and

(3) in subsection (b)—

(A) by striking the following:

''(b) PURPOSE.—'';

(B) in the matter preceding paragraph (1), by striking ''particularly'' and all that follows through '', by providing'' and inserting ''particularly for children facing barriers to adoption, by providing'';

(C) in paragraph (2), by striking ''and'' at the end;

(D) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(4) support the development and implementation of evidence-based and evidence-informed post-legal adoption services for families that adopt children, in order to increase permanency in adoptive placements; and

''(5) support the recruitment of racially and ethnically diverse prospective foster and adoptive parents.''.

SEC. 5502. DEFINITIONS.

Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended by inserting after section 201 (42 U.S.C. 5111) the following:

''SEC. 202. DEFINITIONS.

''In this title:

''(1) CHILD FACING A BARRIER TO ADOPTION.—The term 'child facing a barrier to adoption' includes an older child, a child who is a racial or ethnic minority, a child with a disability, and a child or youth overrepresented in the welfare system (as such term is defined under section 2 of the Child Abuse Prevention and Treatment Act, as inserted by section 5003 of the CAPTA Reauthorization Act of 2022).

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.''.

SEC. 5503. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

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

''(a) PROGRAM AUTHORIZATION.—

''(1) IN GENERAL.—The Secretary shall meet the purpose of this title by planning and coordinating all Department activities related to adoption and foster care, including programs and services to support—

''(A) the adoption of children facing barriers to adoption;

''(B) families considering adoption of such children; and

''(C) pre- and post-adoption services for families to provide permanent, safe, and caring home environments for children who would benefit from adoption.

''(2) TECHNICAL ASSISTANCE.—The Secretary shall make available such consultant services, on-site technical assistance and personnel, together with payment of appropriate administrative expenses as are necessary for carrying out departmental activities described in paragraph (1).'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''connection with'';

(B) in paragraph (1), by striking ''and prepare'' and all that follows and inserting the following: ''including—

''(A) adoption competency educational programming that supports the mental health needs of adoptive families to promote permanency, including the evaluation and updating of such programming for child welfare and mental health professionals; and

''(B) the development of information and educational materials, regarding adoption, adoption assistance programs, and post-legal adoption services, and dissemination of such materials to all interested parties, public and private agencies and organizations (including hospitals, health care providers, and social services agencies), and governmental bodies;'';

(C) in paragraph (2)—

(i) by striking ''conduct, directly'' and inserting ''conduct (directly'';

(ii) by striking ''private organizations, ongoing, extensive recruitment efforts'' and inserting ''private agencies or organizations) ongoing, extensive public awareness and recruitment efforts'';

(iii) by striking ''to promote the adoption of older children, minority children, and children with special needs, develop national public awareness efforts to unite'' and inserting the following: ''to—

''(A) promote the adoption of children facing barriers to adoption;

''(B) unite''; and

(iv) by striking ''parents, and establish a coordinated referral system of recruited families'' and inserting the following: ''parents; and

''(C) establish a coordinated referral system of interested families'';

(D) in paragraph (3)—

(i) by striking ''for (A) the'' and inserting the following: ''for—

''(A) the'';

(ii) by striking '', utilizing computers and data processing methods to assist in the location of children''; and

(iii) by striking ''and (B) the'' and inserting the following: ''and

''(B) the'';

(E) in paragraph (4)—

(i) by striking ''groups and minority groups)'' and inserting ''groups and organizations that represent families who are racial or ethnic minorities)''; and

(ii) by striking ''of minorities'' and inserting ''of people who are racial or ethnic minorities'';

(F) in paragraph (5), by striking ''corporations and'' and inserting ''large and'';

(G) in paragraph (7)—

(i) by striking ''increase'' and inserting ''identify best practices for'';

(ii) by striking ''for the recruitment of'' and inserting ''to recruit''; and

(iii) by striking ''older children'' and all that follows and inserting ''children facing barriers to adoption;'';

(H) in paragraph (8), by striking ''in order'';

(I) in paragraph (9)—

(i) in the matter preceding subparagraph (A), by striking ''Special Needs'' and inserting ''Children Facing Barriers to'';

(ii) in subparagraph (A), by inserting ''people who are racial or ethnic'' before ''minorities'';

(iii) in subparagraph (B), by striking ''with special needs'' and inserting ''facing barriers to adoption''; and

(iv) by striking subparagraph (D) and inserting the following:

''(D) identify and disseminate best practices to reduce adoption disruption and dissolution, and increase permanency, including best practices related to pre- and post-adoption services;'';

(J) in paragraph (10)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''minority populations'' and inserting ''racial or ethnic minorities'';

(II) by striking ''minority children'' and inserting ''children who are racial or ethnic minorities''; and

(III) by striking ''minority families'' and inserting ''racially and ethnically diverse families'';

(ii) in subparagraph (A)—

(I) in clause (ii), by striking '', including'' and all that follows and inserting a semicolon;

(II) by redesignating clauses (iii) through (ix) as clauses (iv) through (x), respectively;

(III) by inserting after clause (ii) the following:

''(iii) developing and using procedures, including family finding strategies, to notify family and relatives when a child enters the child welfare system, and to identify such family and relatives who are willing to adopt or provide a permanent, safe, and caring home for such child to improve permanency;'';

(IV) in clause (vi), as so redesignated, by inserting '', including such groups for prospective kinship caregivers'' before the semicolon;

(V) in clause (vii), as so redesignated—

(aa) in the matter preceding subclause (I), by striking ''training of personnel'' and inserting ''professional development on working with diverse cultural, racial, linguistic, and socioeconomic communities, for personnel''; and

(bb) in subclause (III), by striking ''with experience'' and all that follows and inserting a semicolon;

(VI) in clause (ix), as so redesignated, by inserting '', including such groups for kinship caregivers'' before the semicolon; and

(VII) in clause (x), as so redesignated, by striking ''Act'' and inserting ''title''; and

(K) in paragraph (11)—

(i) in the matter preceding subparagraph (A), by inserting ''Indian Tribes, Tribal organizations,'' after ''States,'';

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

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

(iv) by adding at the end the following:

''(D) procedures to identify and support potential kinship care arrangements.'';

(3) in subsection (c)—

(A) by striking the subsection heading and inserting the following:

''(c) SERVICES FOR FAMILIES ADOPTING CHILDREN FACING BARRIERS TO ADOPTION.—'';

(B) in paragraph (1), by striking ''special needs children'' and inserting ''children facing barriers to adoption''; and

(C) in paragraph (2)(G), by inserting '', including such parents, children, and siblings in kinship care arrangements'' before the semicolon;

(4) in subsection (d)—

(A) by striking the subsection heading and inserting the following:

''(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE AND IMPROVING POST-ADOPTION SERVICES.—'';

(B) in paragraph (1), by inserting ''including through the improvement of post-adoption services,'' after ''adoption,'';

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by inserting '', including plans to assess the need for and provide post-adoption services in order to improve permanency'' before the semicolon;

(II) in clause (ii), by striking ''older children'' and all that follows and inserting ''children facing barriers to adoption, who are legally free for adoption;''; and

(III) in clause (iv), by striking ''section 473'' and all that follows and inserting ''subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) and part E of such title IV (42 U.S.C. 670 et seq.).''; and

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''older children'' and all that follows through ''special needs,'' and inserting ''children facing barriers to adoption;''; and

(II) in clause (ii), by striking ''successful'' and inserting ''evidence-based and evidence-informed''; and

(D) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking the first sentence; and

(II) in the last sentence, by striking ''section 205(a)'' and inserting ''section 206(a)''; and

(ii) in subparagraph (B), by striking ''this Act'' and inserting ''this title''; and

(5) in subsection (e)(1), by inserting before the period at the end the following: '', such as through the use of an electronic interstate case processing system''.

SEC. 5504. STUDIES AND REPORTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended to read as follows:

''SEC. 204. STUDIES AND REPORTS.

''(a) REPORT ON THE OUTCOMES OF INDIVIDUALS WHO WERE ADOPTED FROM FOSTER CARE.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2022, the Secretary shall prepare and submit 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 research and data regarding—

''(1) the outcomes of individuals who were adopted from foster care as children; and

''(2) a summary of the post-adoption services available to families that adopted children from foster care regarding the extent to which such services are evidence-based or evidence-informed.

''(b) REPORT ON ADOPTION DISRUPTION AND DISSOLUTION.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the CAPTA Reauthorization Act of 2022, the Secretary shall prepare and submit 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 children who enter into foster care under the supervision of a State after prior finalization of an adoption or legal guardianship, including adoptions of foster youth and international adoptions.

''(2) INFORMATION.—The Secretary shall include in such report information, to the extent that such information is available through the Adoption and Foster Care Analysis and Reporting System and other data sources, regarding the incidence of adoption disruption and dissolution impacting children described in paragraph (1) and factors associated with such circumstances, including—

''(A) whether affected individuals received pre- or post-legal adoption services; and

''(B) other relevant information, such as the age of the child involved.''.

SEC. 5505. UNREGULATED CUSTODY TRANSFERS.

Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.) is amended—

(1) by redesignating section 205 (42 U.S.C. 5115) as section 206; and

(2) by inserting after section 204 the following:

''SEC. 205. SENSE OF CONGRESS, TECHNICAL ASSISTANCE, AND REPORT ON UNREGULATED CUSTODY TRANSFERS.

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

''(1) there are challenges associated with some adoptions (including the child's mental health needs and the difficulties many families face in accessing support services) and some families may seek out an unregulated transfer of physical custody of an adoptive child without any formal supervision by child welfare agencies or courts;

''(2) some adopted children experience trauma, and the disruption and placement in another home due to such a transfer may contribute to additional trauma and instability for such children;

''(3) unregulated custody transfer may not include certain safety measures that are required as part of formal adoption proceedings, such as required child welfare or criminal background checks or clearances;

''(4) child welfare agencies and courts may be unaware of the placement of children through unregulated custody transfers and, as a result, may not conduct assessments on children's safety and well-being in such subsequent placements;

''(5) the lack of such assessments may result in the placement of children in homes in which the children may be exposed to unsafe environments;

''(6) the caregivers with whom a child is placed through an unregulated custody transfer may have no legal responsibility with respect to such child and may not have complete records, including the child's birth, medical, or other records, with respect to such child;

''(7) a child adopted through intercountry adoption may be at risk of not acquiring United States citizenship if an unregulated custody transfer occurs before the adoptive parents complete all necessary steps to finalize the adoption of such child; and

''(8) unregulated custody transfers pose significant challenges for children who experience such transfers.

''(b) DEFINITION.—For the purpose of this section, the term 'unregulated custody transfer' means the abandonment of a child, by the child's parent or legal guardian, or a person or entity acting on behalf, and with the consent, of such parent or guardian—

''(1) by placing the child with a person who is not—

''(A) the child's parent, stepparent, grandparent, adult sibling, legal guardian, or other adult relative;

''(B) a friend of the family who is an adult and with whom the child is familiar; or

''(C) a member of the federally recognized Indian Tribe of which the child is also a member;

''(2) with the intent of severing the relationship between the child and the parent or guardian of such child; and

''(3) without—

''(A) reasonably ensuring the safety of the child and permanency of the placement of the child, including by conducting an official home study, background check, and supervision; and

''(B) transferring the legal rights and responsibilities of parenthood or guardianship under applicable Federal and State law to a person described in subparagraph (A), (B), or (C) of paragraph (1).

''(c) TECHNICAL ASSISTANCE AND PUBLIC AWARENESS.—The Secretary, in coordination with the heads of other relevant Federal agencies—

''(1) shall improve public awareness related to preventing adoption disruption and dissolution, including preventing unregulated custody transfers of adopted children; and

''(2) in carrying out paragraph (1), shall update Federal resources, including internet websites, to provide—

''(A) employees of State, local, and Tribal agencies that provide child welfare services with educational materials related to preventing, identifying, and responding to unregulated custody transfers; and

''(B) prospective adoptive families with information on pre-adoption education and post-adoption services from State, local, and private resources to promote child permanency.

''(d) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the CAPTA Reauthorization Act of 2022, the Secretary, in consultation with the Secretary of State, shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Education and Labor and the Committee on Ways and Means of the House of Representatives, a report on unregulated custody transfers of children, including of adopted children.

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

''(A) information on the causes, methods, and characteristics of unregulated custody

transfers, including the use of social media and the internet;

''(B) information on the effects of unregulated custody transfer on children, including the effects of the lack of assessment of a child's safety and well-being by social services agencies and courts due to such unregulated custody transfer;

''(C) data on the prevalence of unregulated custody transfers within each State and across all States;

''(D) recommended policies for preventing, identifying, and responding to unregulated custody transfers, including of adopted children, that include—

''(i) suggested changes or updates to Federal and State law to address unregulated custody transfers;

''(ii) suggested changes or updates to child protection practices to address unregulated custody transfers; and

''(iii) methods of providing to the public information regarding adoption and child protection; and

''(E) a description of the activities carried out under subsection (c).''.

SEC. 5506. AUTHORIZATION OF APPROPRIATIONS.

Section 206 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115), as redesignated by section 5505(1), is further amended—

(1) in subsection (a)—

(A) by striking ''$40,000,000 for fiscal year 2010'' and inserting ''$44,000,000 for fiscal year 2023'';

(B) by striking ''fiscal years 2011 through 2015'' and inserting ''fiscal years 2024 through 2028''; and

(C) by striking ''this subtitle'' and inserting ''this title'';

(2) in subsection (b), by striking ''30'' and inserting ''35''; and

(3) in subsection (c)—

(A) by striking ''this Act'' and inserting ''this title''; and

(B) by striking ''they'' and inserting ''the funds''.

TITLE LVI—FAMILY VIOLENCE PREVENTION AND SERVICES IMPROVEMENT ACT OF 2022

SEC. 5601. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Family Violence Prevention and Services Improvement Act of 2022''.

(b) REFERENCES.—Except as otherwise specified, amendments made by this title to a section or other provision of law are amendments to such section or other provision of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.).

SEC. 5602. PURPOSE.

Subsection (b) of section 301 (42 U.S.C. 10401) is amended to read as follows:

''(b) PURPOSE.—It is the purpose of this title to improve services and interventions for victims of family violence, domestic violence, and dating violence and to advance primary and secondary prevention of family violence, domestic violence, and dating violence by—

''(1) assisting States (including territories) and Indian Tribes in supporting local programs to provide accessible, trauma-informed, culturally relevant residential and non-residential services to victims and their children and dependents;

''(2) strengthening the capacity of Indian Tribes to exercise their sovereign authority to respond to violence specified in this subsection and committed against Indians;

''(3) providing for a network of resource centers to support effective policy, practice, research, and cross-system collaboration to improve prevention, intervention and response efforts throughout the country;

''(4) supporting the efforts of State (including territorial) and Tribal coalitions to—

''(A) address the needs of victims and their children and dependents, including those who are underserved;

''(B) implement effective coordinated community and systems responses; and

''(C) promote ongoing public education and community engagement;

''(5) maintaining national domestic violence hotlines, including a national Indian domestic violence hotline; and

''(6) supporting the development and implementation of evidence-informed, coalition-led, and community-based primary prevention approaches and programs.''.

SEC. 5603. DEFINITIONS.

Section 302 (42 U.S.C. 10402) is amended—

(1) in the matter preceding paragraph (1), by striking ''In this title:'' and inserting the following:

''(a) IN GENERAL.—In this title:'';

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

''(2) CHILD.—The term 'child' means an individual who is younger than age 18.'';

(3) by striking paragraphs (3) and (4);

(4) by—

(A) redesignating paragraphs (13) and (14) as paragraphs (21) and (22), respectively;

(B) redesignating paragraphs (7) through (12) as paragraphs (13) and (15) through (19), respectively; and

(C) redesignating paragraphs (5) and (6) as paragraphs (9) and (11), respectively;

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

''(3) DATING PARTNER.—The term 'dating partner' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).

''(4) DATING VIOLENCE.—The term 'dating violence' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).

''(5) DIGITAL SERVICES.—The term 'digital services' means services, resources, information, support, or referrals that are provided through electronic communications platforms and media (which may include mobile phone technology, video technology, computer technology (including use of the internet), and any other emerging communications technologies that are appropriate for the purposes of providing services, resources, information, support, or referrals for the benefit of victims of family violence, domestic violence, or dating violence) and that are in accessible formats, including formats compliant with the most recent Web Content Accessibility Guidelines of the World Wide Web Consortium, or successor guidelines as applicable.

''(6) DISABILITY.—The term 'disability' has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

''(7) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).

''(8) FAMILY VIOLENCE.—The term 'family violence' means any act, threatened act, or pattern of acts of physical or sexual violence, stalking, harassment, psychological abuse, economic abuse, technological abuse, or any other form of abuse, including threatening to commit harm against children or dependents or other members of the household of the recipient of the threat for the purpose of coercion, threatening, or causing harm, directed against a person (including an elderly person) who is—

''(A) related by blood or marriage to the person committing such an act (including a threatened act or pattern of acts);

''(B) a dating partner or other person similarly situated to a dating partner under the laws of the jurisdiction;

''(C) a person who is cohabitating with or has cohabitated with the person committing such an act (including a threatened act or pattern of acts);

''(D) a current or former spouse or other person similarly situated to a spouse under the laws of the jurisdiction;

''(E) a person who shares a child or dependent in common with the person committing such an act; or

''(F) any other person who is protected from any such act under the domestic or family violence laws, policies, or regulations of the jurisdiction.'';

(6) by amending paragraph (9), as so redesignated, to read as follows:

''(9) INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian', 'Indian Tribe', and 'Tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).'';

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

''(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).'';

(8) by amending paragraph (11), as so redesignated, to read as follows:

''(9) NATIVE HAWAIIAN; NATIVE HAWAIIAN ORGANIZATION.—The terms 'Native Hawaiian' and 'Native Hawaiian organization' have the meanings given such terms in section 6207 of the Native Hawaiian Education Act (20 U.S.C. 7517).'';

(9) in paragraph (13), as so redesignated, by striking ''42 U.S.C. 13925(a)'' and inserting ''34 U.S.C. 12291(a)'';

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

''(12) POPULATION SPECIFIC SERVICES.—The term 'population specific services' has the meaning given such term in section 40002(a) of the Violence Against Women Act (34 U.S.C. 12291(a)).'';

(11) by inserting after paragraph (13), as so redesignated, the following:

''(14) RACIAL AND ETHNIC MINORITY POPULATION.—The term 'racial and ethnic minority population' includes each group listed in the definition of such term in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u–6(g)).'';

(12) by amending paragraph (16), as so redesignated, to read as follows:

''(16) SHELTER.—The term 'shelter' means the provision of temporary refuge and basic necessities, in conjunction with supportive services, provided on a regular basis, in compliance with applicable State (including territorial), Tribal, or local law to victims of family violence, domestic violence, or dating violence, and their children and dependents. Such law includes regulations governing the provision of safe homes and other forms of secure temporary lodging, meals, or supportive services (including providing basic necessities) to victims of family violence, domestic violence, or dating violence, and their children and dependents.'';

(13) in paragraph (18), as so redesignated—

(A) in the matter preceding subparagraph (A), by inserting '', designated by the Secretary,'' after ''organization''; and

(B) in subparagraph (C), by striking ''dependents'' and inserting ''children and dependents'';

(14) in paragraph (19), as so redesignated, by striking ''dependents'' each place it appears and inserting ''children and dependents'';

(15) by inserting after paragraph (19), as so redesignated, the following:

''(20) TRIBAL DOMESTIC VIOLENCE COALITION.—The term 'Tribal Domestic Violence Coalition' means an established nonprofit,

nongovernmental Indian organization recognized by the Office on Violence Against Women of the Department of Justice that—

''(A) provides education, support, and technical assistance to member Indian service providers in a manner that enables the member providers to establish and maintain culturally appropriate services, including shelter and supportive services designed to assist Indian victims of family violence, domestic violence, or dating violence and the children and dependents of such victims; and

''(B) is comprised of members who are representative of—

''(i) the member service providers described in subparagraph (A); and

''(ii) the Tribal communities in which the services are being provided.'';

(16) in paragraph (21), as so redesignated—

(A) by striking ''tribally'' and inserting ''Tribally'';

(B) by striking ''tribal'' and inserting ''Tribal''; and

(C) by striking ''tribe'' each place it appears and inserting ''Tribe''; and

(17) by adding at the end the following:

''(23) YOUTH.—The term 'youth' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).

''(b) RULE OF CONSTRUCTION.—In this title, any use of the term 'family violence', 'domestic violence', or 'dating violence' shall be treated as a reference to each of the terms 'family violence', 'domestic violence', and 'dating violence'.''.

SEC. 5604. GRANT CONDITIONS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by inserting after section 302 the following:

''SEC. 302A. GRANT CONDITIONS.

''(a) DISCRIMINATION PROHIBITED.—

''(1) APPLICATION OF CIVIL RIGHTS PROVISIONS.—Programs and activities funded in whole or in part with funds made available under this title are considered to be programs and activities receiving Federal financial assistance for the purpose of Federal laws relating to discrimination in programs or activities. Subject to paragraph (2), entities that carry out programs and activities funded in whole or in part with funds made available under this title shall not discriminate on the bases described in section 40002(b)(13)(A) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(13)(A)).

''(2) APPLICATION.—Section 40002(b)(13)(B) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(13)(B)) shall apply to any program or activity funded in whole or in part with funds made available under this title.

''(3) ENFORCEMENT AUTHORITY.—

''(A) SECRETARY.—

''(i) IN GENERAL.—The Secretary shall enforce the provisions of paragraph (1) in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1). Section 603 of such Act (42 U.S.C. 2000d–2) shall apply with respect to any action taken by the Secretary to enforce paragraph (1) regardless of the basis for the discrimination described in paragraph (1).

''(ii) REFERRAL TO THE ATTORNEY GENERAL FOR CIVIL ACTION.—Whenever the Secretary has reason to believe that a State, an Indian Tribe, or another entity receiving funds under this title has failed to comply with a provision of law referred to in paragraph (1), the Secretary may refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted.

''(B) ATTORNEY GENERAL.—When a matter is referred to the Attorney General under subparagraph (A)(ii) or whenever the Attorney General has reason to believe that a State, an Indian Tribe, or another entity receiving funds under this title is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

''(4) CONSTRUCTION.—This subsection shall not be construed as affecting any legal remedy provided under any other provision of law.

''(b) NONDISCLOSURE OF CONFIDENTIAL INFORMATION.—

''(1) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of persons receiving assistance or services.

''(2) NONDISCLOSURE.—Subject to paragraphs (3) through (5), the requirements under subparagraphs (A) through (H) of section 40002(b)(2) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(2)) shall apply to grantees and subgrantees under this title in the same manner such requirements apply to grantees and subgrantees under such Act.

''(3) OVERSIGHT.—Nothing in this subsection shall prevent the Secretary from disclosing grant activities authorized in this title to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives pursuant to the exercise of congressional oversight authority. In making all such disclosures, the Secretary shall protect the confidentiality of individuals and omit personally identifying information, including location information about individuals and shelter facilities.

''(4) PREEMPTION.—Nothing in this subsection shall be construed to supersede any provision of any Federal, State, Tribal, or local law that provides greater protection than this subsection for victims of family violence, domestic violence, or dating violence.

''(5) CONFIDENTIALITY OF LOCATION.—The address or location of any shelter facility assisted under this title that otherwise maintains a confidential location shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.

''(c) INCOME ELIGIBILITY STANDARDS.—No income eligibility standard may be imposed upon persons with respect to eligibility for assistance or services supported with funds under this title. No fees may be levied for assistance or services provided with funds under this title.

''(d) SUPPLEMENT NOT SUPPLANT.—Federal funds made available to a State or Indian Tribe under this title shall be used to supplement and not supplant any Federal, State, Tribal, and local public funds expended to provide services and activities that promote the objectives of this title.''.

SEC. 5605. AUTHORIZATION OF APPROPRIATIONS.

The Act is amended by repealing section 303 (42 U.S.C. 10403) and inserting the following:

''SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out sections 301 through 312 and 313C, other than section 304(c), $270,000,000 for each of fiscal years 2023 through 2028.

''(2) RESERVATIONS FOR GRANTS TO TRIBES.—Of the amounts appropriated under paragraph (1) for a fiscal year, not less than 12.5 percent shall be reserved and used to carry out section 309.

''(3) FORMULA GRANTS TO STATES.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under paragraph (2) (referred to in this subsection as the 'remainder'), not less than 70 percent shall be used for making grants under section 306(a).

''(4) RESOURCE CENTERS.—Of the remainder, not less than 6 percent shall be used to carry out section 310.

''(5) GRANTS FOR STATE AND TRIBAL DOMESTIC VIOLENCE COALITIONS.—Of the remainder—

''(A) not less than 10 percent shall be used to carry out section 311; and

''(B) not less than 3 percent shall be used to carry out section 311A.

''(6) SPECIALIZED SERVICES.—Of the remainder, not less than 5 percent shall be used to carry out section 312.

''(7) CULTURALLY SPECIFIC SERVICES.—Of the remainder, not less than 2.5 percent shall be used to carry out section 313C.

''(8) ADMINISTRATION, EVALUATION, AND MONITORING.—Of the remainder, not more than 3.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.

''(b) NATIONAL DOMESTIC VIOLENCE HOTLINE.—There is authorized to be appropriated to carry out section 313 $14,000,000 for each of fiscal years 2023 through 2028.

''(c) NATIONAL INDIAN DOMESTIC VIOLENCE HOTLINE.—There is authorized to be appropriated to carry out section 313A $4,000,000 for each of fiscal years 2023 through 2028.

''(d) DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP.—There is authorized to be appropriated to carry out section 314 $26,000,000 for each of fiscal years 2023 through 2028.

''(e) GRANTS FOR UNDERSERVED POPULATIONS.—There is authorized to be appropriated to carry out section 313B $10,000,000 for each of fiscal years 2023 through 2028.

''(f) EVALUATION.—There is authorized to be appropriated to carry out subsection 304(c) $3,500,000 for each of fiscal years 2023 through 2028.''.

SEC. 5606. AUTHORITY OF SECRETARY.

Section 304 (42 U.S.C. 10404) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting ''or institutions of higher education,'' after ''nongovernmental entities'';

(B) in paragraph (4)—

(i) by striking ''CAPTA Reauthorization Act of 2010'' and inserting ''Family Violence Prevention and Services Improvement Act of 2022''; and

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

(C) in paragraph (5)—

(i) by inserting '', intervene in, or respond to'' after ''prevent'';

(ii) by striking ''or the'' and inserting '', including the''; and

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

(D) by adding at the end the following:

''(6) provide for flexibilities in the terms for grants and other agreements and waive program requirements (including match requirements under section 306(c)(2)) reasonably necessary to provide relief for grantees and subgrantees and ensure continuity of program activities, during and in response to—

''(A) 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);

''(B) an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

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

''(D) other circumstances that would, as determined by the Secretary, result in serious hardship or an inability to carry out such program activities.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''family violence'' and all that follows through the semicolon and inserting ''prevention of, intervention in, and response to family violence, domestic violence, and dating violence;'';

(B) in paragraph (2), by striking ''prevention and treatment of'' inserting ''prevention of, intervention in, and response to''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''intervention in and prevention of'' and inserting ''prevention of, intervention in, and response to'';

(ii) in subparagraph (B), by striking ''; and'' and inserting a semicolon; and

(iii) by adding after subparagraph (C) the following:

''(D) making grants to eligible entities or entering into contracts with for-profit or nonprofit nongovernmental entities or institutions of higher education to conduct family violence, domestic violence, or dating violence research or evaluation, including by supporting demonstration or discretionary projects (including evaluation projects) in response to current and emerging issues related to prevention of, intervention in, and response to violence specified in this subparagraph; and'';

(3) by redesignating subsection (c) as subsection (d);

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

''(c) EVALUATION.—In addition to program evaluation otherwise required or permitted under this title, the Secretary may, including through the use of grants, cooperative agreements, or contracts, conduct program evaluation.''; and

(5) in subsection (d), as so redesignated—

(A) by striking ''2'' and inserting ''5''; and

(B) by striking ''section 306(d)'' each place it appears and inserting ''this title''.

SEC. 5607. ALLOTMENT OF FUNDS.

Section 305 (42 U.S.C. 10405) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—From the sums appropriated under section 303 and available for grants to States under section 306(a) for any fiscal year, each State (including Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands) shall be allotted for a grant under section 306(a), $600,000, with the remaining funds to be allotted to each State (other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands) in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all such States (excluding Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands).'';

(2) in subsection (e), by striking ''under section 314'' each place it appears and inserting ''under this title''; and

(3) by striking subsection (f).

SEC. 5608. FORMULA GRANTS TO STATES.

Section 306 (42 U.S.C. 10406) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''dependents'' and inserting ''children and dependents''; and

(B) in paragraph (3)—

(i) by inserting ''and youth'' after ''children''; and

(ii) by inserting ''Indians, members of Indian Tribes, or'' after ''who are''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (5)'' and inserting ''section 302A'';

(B) by striking paragraphs (2), (3), (5), and (6);

(C) by redesignating paragraph (4) as paragraph (2); and

(D) in paragraph (2), as so redesignated—

(i) by striking ''No grant'' and inserting ''Except as provided in section 304(a)(6), no grant''; and

(ii) by striking ''Indian tribe'' and inserting ''Indian Tribe''.

SEC. 5609. STATE APPLICATION.

Section 307 (42 U.S.C. 10407) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''tribally'' and inserting ''Tribally''; and

(ii) by adding ''For purposes of section 2007(c)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10446(c)(3)), a State's application under this paragraph shall be deemed to be a 'State plan'.'' at the end; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''provide a description of'' and inserting ''describe''; and

(II) by striking ''306(c)'' and inserting ''302A, 306(c),'';

(ii) by striking subparagraph (B) and inserting the following:

''(B) provide, with respect to funds described in paragraph (1)—

''(i) assurances that—

''(I) not more than 5 percent of such funds will be used for administrative costs; and

''(II) the remaining funds will be distributed to eligible entities as described in section 308(a) for approved activities as described in section 308(b); and

''(ii) a description of how the State, in the distribution of funds under section 308(a), will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that—

''(I) have as their primary purpose the provision of shelter for victims of family violence, domestic violence, and dating violence, and their children and dependents; or

''(II) provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their children and dependents;'';

(iii) in subparagraph (C)—

(I) by inserting ''describe how,'' before ''in the case of''; and

(II) by striking ''provide an assurance that there will be'' and inserting the following: ''the State will—

''(i) ensure''; and

(III) by inserting ''and'' after the semicolon;

(iv) in subparagraph (D)—

(I) by striking ''in the case of an application submitted by a State, provide an assurance that the State will'';

(II) by striking ''planning and monitoring'' and inserting ''planning, coordination, and monitoring'';

(III) by striking ''and the administration of the grant programs and projects'' and inserting '', the administration of the grant programs and projects, and the establishment of a set of service standards and best practices for grantees, including service standards and best practices with cultural and legal relevance for Indian Tribes and cultural relevance for racial and ethnic minority populations''; and

(IV) by redesignating subparagraph (D) as clause (ii) and indenting appropriately;

(v) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(vi) in subparagraph (D), as so redesignated, by striking ''to underserved populations'' and all that follows through the semicolon and inserting ''for individuals from racial and ethnic minority populations, Tribal populations, and other underserved populations, in the State planning process, and how the State plan addresses the unmet needs of populations described in this subparagraph, including an assurance the State or Indian Tribe will disseminate information about the resource centers authorized under section 310;'';

(vii) in subparagraphs (D), (E), and (F), as so redesignated, by striking ''Indian tribe'' each place it appears and inserting ''Indian Tribe'';

(viii) in subparagraph (F), as so redesignated, by striking ''tribally'' and inserting ''Tribally'';

(ix) by inserting after subparagraph (F), as so redesignated, the following:

''(G) describe how activities and services provided by the State or Indian Tribe, including shelter, are designed and delivered to promote trauma-informed care, autonomy, and privacy for victims of family violence, domestic violence, and dating violence, and their children and dependents;''; and

(x) in subparagraph (H)—

(I) by striking ''tribe'' and inserting ''Tribe''; and

(II) by inserting '', remove, or exclude'' after ''bar''; and

(2) in subsection (b)—

(A) in paragraph (2), by striking ''tribe'' each place it appears and inserting ''Tribe''; and

(B) in paragraph (3)—

(i) in the heading, by striking ''TRIBAL'' and inserting ''TRIBAL'';

(ii) by striking ''Indian tribes'' each place such term appears and inserting ''Indian Tribes''; and

(iii) by striking ''section 306(c)'' and inserting ''sections 302A and 306(c)''.

SEC. 5610. SUBGRANTS AND USES OF FUNDS.

Section 308 (42 U.S.C. 10408) is amended—

(1) in subsection (a)—

(A) by striking ''that is designed'' and inserting ''that are designed''; and

(B) by striking ''dependents'' and inserting ''children and dependents'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''developing safety plans'' and inserting ''safety planning'';

(ii) in subparagraph (E), by inserting '', including for racial and ethnic minority populations and persons with disabilities'' before the semicolon;

(iii) by redesignating subparagraphs (F) through (H) as subparagraphs (G) through (I), respectively;

(iv) by inserting after subparagraph (E) the following:

''(F) provision of shelter and supportive services to underserved populations;'';

(v) in subparagraph (H), as so redesignated—

(I) in clause (i), by striking ''Federal and State'' and inserting ''Federal, State, and local'';

(II) in clause (iii), by striking '', alcohol, and drug abuse treatment'' and inserting ''and substance use disorder services'';

(III) in clause (v), by striking ''; and'' and inserting a semicolon;

(IV) by redesignating clause (vi) as clause (viii);

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

''(vi) language assistance, including translation of written materials, telephonic, digital, and in-person interpreter services, for victims with limited English proficiency or

victims with disabilities, including persons who are deaf or hard of hearing;

''(vii) services described in this subparagraph, provided in a manner that allows for the full participation of victims with disabilities, including providing information in alternative formats; and''; and

(VI) in clause (viii), as so redesignated, by striking ''; and'' and inserting a semicolon;

(vi) in subparagraph (I), as so redesignated, by striking the period at the end and inserting a semicolon; and

(vii) by adding at the end the following:

''(J) partnerships that enhance the design and delivery of services to victims and their children and dependents; and

''(K) accessibility improvements, including to physical structures or to transportation, communication, or digital services.'';

(B) in paragraph (2)—

(i) by striking ''for the primary purpose of providing'' and inserting ''whose primary purpose is to provide'';

(ii) by inserting ''for the provision of such shelter and services, as described in paragraph (1)(A),'' before ''to adult and'';

(iii) by striking ''their dependents, as described in paragraph (1)(A)'' and inserting ''their children and dependents'';

(iv) by striking ''supportive services and prevention services'' and inserting ''supportive services or prevention services''; and

(v) by striking ''through (H)'' and inserting ''through (I)'';

(C) by striking ''dependents'' each place it appears (other than in paragraph (1)(J)) and inserting ''children and dependents''; and

(D) by adding at the end the following:

''(3) SENSE OF CONGRESS REGARDING USE OF FUNDS FOR REMOVAL OF ARCHITECTURAL BARRIERS TO ACCESSIBILITY.—It is the sense of Congress that—

''(A) individuals with disabilities experience family violence, domestic violence, and dating violence at disproportionate rates; and

''(B) shelter facilities are often not equipped to provide effective services to individuals with disabilities, which can act as an impediment to victims seeking and receiving services.'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''a local public agency, or'';

(ii) by striking ''dependents'' and inserting ''children and dependents''; and

(iii) by striking ''tribal organizations, and voluntary associations),'' and inserting ''Tribal organizations, and voluntary associations) or a local public agency''; and

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

''(2) an organization whose primary purpose is to provide culturally specific services to racial and ethnic minority populations, Tribal communities, or other underserved populations, that—

''(A) has the capacity to provide, but may not have a documented history of work concerning, assistance to victims of family violence, domestic violence, or dating violence, and their children and dependents; and

''(B) is in partnership with an organization described in paragraph (1).''; and

(4) by amending subsection (d) to read as follows:

''(d) CONDITIONS.—Participation in supportive services under this title shall be voluntary. Receipt of the benefits of shelter described in subsection (b)(1)(A) shall not be conditioned upon the participation of the adult or youth, or their children or dependents, in any or all of the supportive services offered under this title.''.

SEC. 5611. GRANTS FOR INDIAN TRIBES.

Section 309 (42 U.S.C. 10409) is amended—

(1) in subsection (a)—

(A) by striking ''42 U.S.C. 14045d'' and inserting ''34 U.S.C. 20126'';

(B) by striking ''tribal'' and inserting ''Tribal'';

(C) by striking ''Indian tribes'' and inserting ''Indian Tribes''; and

(D) by striking ''section 303(a)(2)(B)'' and inserting ''section 303 and made available'';

(2) in subsection (b)—

(A) by striking ''Indian tribe'' each place it appears and inserting ''Indian Tribe''; and

(B) by striking ''tribal organization'' each place it appears and inserting ''Tribal organization''; and

(3) in subsection (d), by striking ''306(c)'' and inserting ''302A, 306(c),''.

SEC. 5612. RESOURCE CENTERS.

Section 310 (42 U.S.C. 10410) is amended—

(1) in the section heading, by striking ''**NATIONAL RESOURCES CENTERS AND TRAINING AND TECHNICAL ASSISTANCE**'' and inserting ''**RESOURCE**'';

(2) in subsection (a)—

(A) in paragraph (1), by inserting ''and response'' after ''intervention'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''under this title and reserved under section 303(a)(2)(C)'' and inserting ''under section 303 and made available to carry out this section'';

(ii) in subparagraph (A)—

(I) in clause (i), by striking ''; and'' and inserting a semicolon;

(II) in clause (ii)—

(aa) by striking ''7'' and inserting ''11'';

(bb) by striking ''domestic violence, and intervention and prevention'' and inserting '' the prevention of, intervention in, and response to family violence, domestic violence, and dating violence''; and

(cc) by striking ''; and'' and inserting a semicolon; and

(III) by adding at the end the following:

''(iii) an Alaska Native Tribal resource center on domestic violence, to reduce Tribal disparities; and

''(iv) a Native Hawaiian resource center on domestic violence, to reduce Native Hawaiian disparities; and''; and

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''grants, to'' inserting ''grants to entities that focus on other critical issues, such as'';

(II) in clause (i)—

(aa) by striking ''(including Alaska Native) or Native Hawaiian''; and

(bb) by striking ''subsection (b)(3)'' and inserting ''subsection (b)(5)''; and

(III) by amending clause (ii) to read as follows:

''(ii) entities with demonstrated expertise related to—

''(I) addressing the housing needs of family violence, domestic violence, or dating violence victims and their children and dependents;

''(II) educating individuals from underserved populations to increase understanding and outreach about issues related to family violence, domestic violence, or dating violence; or

''(III) addressing other emerging issues related to the prevention of, intervention in, or response to family violence, domestic violence, or dating violence.''; and

(C) by adding at the end the following:

''(3) NOTICE TO CONGRESS OF NEW SPECIAL ISSUE RESOURCE CENTERS.—On or after the date of the enactment of the Family Violence Prevention and Services Improvement Act of 2022, the Secretary shall provide notice to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives upon publication of any forecasted grant opportunities for the establishment of a special issue resource center under paragraph (2)(A)(ii).'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) by striking ''training'' and inserting ''education''; and

(bb) by inserting ''and dependents'' after ''children''; and

(II) in clause (ii), in the matter preceding subclause (I), by inserting ''online'' after ''central''; and

(ii) in subparagraph (B)—

(I) in clauses (i) and (ii)—

(aa) by striking ''tribes and tribal organizations'' each place it appears and inserting ''Tribes and Tribal organizations''; and

(bb) by striking ''the tribes'' and inserting ''the Tribes'';

(II) in clause (i)—

(aa) by striking ''training'' and inserting ''education''; and

(bb) by striking ''42'' and all that follows through ''3796gg–10 note'' and inserting ''34 U.S.C. 10452 note'';

(III) in clause (ii)—

(aa) by striking ''intervention and prevention'' and inserting ''prevention, intervention, and response''; and

(bb) by striking ''42'' and all that follows through ''3796gg–10 note'' and inserting ''34 U.S.C. 10452 note''; and

(IV) in clause (iii)—

(aa) by striking ''Native Hawaiians that'' and inserting ''Native Hawaiians who''; and

(bb) by inserting ''the Office for Victims of Crime and'' after ''Human Services, and'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''State and local domestic violence service providers'' and inserting ''support effective policy, practice, research, and cross systems collaboration''; and

(II) by striking ''enhancing domestic violence intervention and prevention'' and inserting ''enhancing family violence, domestic violence, and dating violence prevention, intervention, and response'';

(ii) in subparagraph (A), by striking ''which may include the response to the use of the self-defense plea by domestic violence victims and the issuance and use of protective orders'' and inserting ''including the issuance and use of protective orders, batterers' intervention programming, and responses to charged, incarcerated, and re-entering domestic violence victims'';

(iii) in subparagraph (B)—

(I) by striking ''victims of domestic violence'' and inserting ''victims of family violence, domestic violence, and dating violence'';

(II) by inserting ''children and'' after ''their''; and

(III) by striking ''domestic violence cases'' and inserting ''cases involving violence specified in this subparagraph'';

(iv) in subparagraph (C)—

(I) by striking ''to victims of domestic violence'' and inserting ''to victims of family violence, domestic violence, and dating violence''; and

(II) by striking ''for victims of domestic violence'' and inserting ''for such victims'';

(v) by amending subparagraph (D) to read as follows:

''(D) The response of mental health, substance use disorder, and domestic violence systems and programs and other related systems and programs, to victims of family violence, domestic violence, and dating violence, and their children and dependents, who experience psychological trauma, or have mental health or substance use needs.'';

(vi) in subparagraph (E)—

(I) by striking ''enhancing domestic violence intervention and prevention'' and inserting ''enhancing family violence, domestic violence, and dating violence prevention, intervention, and response''; and

(II) by striking ''of domestic violence''; and

(vii) by adding at the end the following:

''(F) The response of family violence, domestic violence, and dating violence programs and related systems to victims who are underserved due to sexual orientation or gender identity, including expanding the capacity of organizations to better meet the needs of such victims.

''(G) The response of family violence, domestic violence, and dating violence programs, disability service providers, and related programs and systems to victims with disabilities (including victims who acquire disabilities due to family violence, domestic violence, or dating violence), including—

''(i) extending community engagement efforts with persons with disabilities;

''(ii) expanding partnerships, communication, and joint education efforts among such programs, providers, and systems in order to modify and improve the services offered by such programs, providers, and systems for victims with disabilities;

''(iii) evaluating accessibility barriers in programs and shelter facilities and advising on how to make modifications to meet the needs of victims with disabilities; and

''(iv) promoting culturally and linguistically relevant responses for persons with disabilities.

''(H) Strengthening the organizational capacity of State, territorial, and Tribal Domestic Violence Coalitions and of State (including territorial) and Tribal administrators who distribute funds under this title to community-based family violence, domestic violence, and dating violence programs, with the aim of better enabling such coalitions and administrators—

''(i) to collaborate and respond effectively to family violence, domestic violence, and dating violence;

''(ii) to meet the conditions and carry out the provisions of this title; and

''(iii) to implement best practices to meet the emerging needs of victims and their families, children, and dependents.'';

(C) by redesignating paragraph (3) as paragraph (5);

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

''(3) ALASKA NATIVE TRIBAL RESOURCE CENTER.—In accordance with subsection (a)(2), the Secretary shall award a grant to an eligible entity for an Alaska Native Tribal resource center on domestic violence to reduce Tribal disparities, which shall—

''(A) offer a comprehensive array of technical assistance and educational resources to Indian Tribes and Tribal organizations, specifically designed to enhance the capacity of the Tribes and organizations to respond to family violence, domestic violence, and dating violence and the findings of section 901 and purposes in section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 10452 note);

''(B) coordinate all projects and activities with the national resource center described in paragraph (1)(B);

''(C) coordinate with the projects and activities of that center that involve working with non-Tribal State and local governments to enhance their capacity to understand the unique needs of Alaska Natives;

''(D) provide comprehensive community education and prevention initiatives relating to family violence, domestic violence, and dating violence in a culturally sensitive and relevant manner; and

''(E) coordinate activities with other Federal agencies, offices, and grantees that address the needs of Alaska Natives who experience family violence, domestic violence, and dating violence, including the Office of Justice Services of the Bureau of Indian Affairs, the Indian Health Service, and the Office for Victims of Crime and the Office on Violence Against Women of the Department of Justice.

''(4) NATIVE HAWAIIAN RESOURCE CENTER.—In accordance with subsection (a)(2), the Secretary shall award a grant to an eligible entity for a Native Hawaiian resource center on domestic violence to reduce Native Hawaiian disparities, which shall—

''(A) offer a comprehensive array of technical assistance and educational resources to Native Hawaiian organizations, specifically designed to enhance the capacity of the Native Hawaiian organizations to respond to family violence, domestic violence, and dating violence;

''(B) coordinate all projects and other activities with the national resource center described in paragraph (1)(B);

''(C) coordinate all projects and other activities, with State and local governments, that involve working with the State and local governments, to enhance their capacity to understand the unique needs of Native Hawaiians;

''(D) provide comprehensive community education and prevention initiatives relating to family violence, domestic violence, and dating violence in a culturally sensitive and relevant manner; and

''(E) coordinate activities with other Federal agencies, offices, and grantees that address the needs of Native Hawaiians who experience family violence, domestic violence, and dating violence, including the Office for Victims of Crime and the Office on Violence Against Women of the Department of Justice.''; and

(E) in paragraph (5), as so redesignated—

(i) in subparagraphs (A) and (B)(i), by striking ''Indian tribes, tribal organizations'' each place it appears and inserting ''Indian Tribes, Tribal organizations'';

(ii) in subparagraph (B)—

(I) by striking ''the tribes'' and inserting ''the Tribes''; and

(II) by striking ''nontribal'' and inserting ''non-Tribal''; and

(iii) by striking ''(including Alaska Natives) or Native Hawaiians'' each place it appears; and

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''or (D)'' and inserting ''(D), (F), (G), or (H)'';

(ii) by amending subparagraph (A) to read as follows:

''(A) provides documentation to the Secretary—

''(i) demonstrating experience working directly on issues of domestic violence; and

''(ii)(I) in the case of an entity seeking a grant under such a subparagraph of subsection (b)(2), other than subparagraph (G) of such subsection, demonstrating experience working directly in the corresponding specific special issue area described in such subsection; or

''(II) in the case of an entity seeking a grant under subparagraph (G) of such subsection, demonstrating—

''(aa) such experience; or

''(bb) that the entity has partnered with a private, nonprofit organization that has the primary purpose of serving individuals with disabilities;'' and

(iii) by amending subparagraph (B) to read as follows:

''(B) includes on the board of directors or advisory committee and on the staff of such entity, individuals who are from domestic violence programs and who have demonstrated experience working with individuals who are geographically or culturally diverse; and'';

(B) in paragraph (2)—

(i) by striking ''tribal organization'' each place it appears and inserting ''Tribal organization'';

(ii) by striking ''Indian tribes'' each place it appears and inserting ''Indian Tribes'';

(iii) by striking ''domestic violence'' each place it appears and inserting ''family violence, domestic violence, and dating violence'';

(iv) in subparagraphs (A) and (B), by striking ''42 U.S.C. 3796gg–10 note'' each place it appears and inserting ''34 U.S.C. 10452 note'';

(v) in subparagraph (B)—

(I) by striking ''tribally'' and inserting ''Tribally''; and

(II) by striking ''prevention and intervention'' and inserting ''prevention, intervention, and response''; and

(vi) in subparagraph (D), by striking ''prevention and intervention'' and inserting ''prevention, intervention, and response'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''community'' and inserting ''population'';

(ii) in subparagraph (B)(i), by striking ''prevention and services'' and inserting ''prevention, intervention, and response'' and

(iii) in subparagraph (B)(ii)—

(I) by inserting ''geographically diverse'' before ''advocates''; and

(II) by striking ''from across the Nation'';

(D) by redesignating paragraph (4) as paragraph (6);

(E) by inserting after paragraph (3) the following:

''(4) ALASKA NATIVE TRIBAL RESOURCE CENTER ON DOMESTIC VIOLENCE.—To be eligible to receive a grant under subsection (b)(3), an entity shall be a Tribal organization, or a nonprofit private organization that focuses primarily on issues of family violence, domestic violence, and dating violence within Indian Tribes, in Alaska that submits information to the Secretary demonstrating—

''(A) experience working with Indian Tribes, and Tribal organizations, in Alaska to respond to family violence, domestic violence, and dating violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 34 U.S.C. 10452 note);

''(B) experience providing Indian Tribes, and Tribal organizations, in Alaska with assistance in developing Tribally based prevention, intervention, and response services addressing family violence, domestic violence, and dating violence and safety for American Indian and Alaska Native women consistent with the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 34 U.S.C. 10452 note);

''(C) strong support for the entity's designation as the Alaska Native Tribal resource center on domestic violence from advocates working with Indian Tribes in Alaska to address family violence, domestic violence, and dating violence and the safety of Alaska Native women;

''(D) a record of demonstrated effectiveness in assisting Indian Tribes, and Tribal organizations, in Alaska with prevention, intervention, and response services addressing family violence, domestic violence, and dating violence; and

''(E) the capacity to serve geographically diverse Indian Tribes, and Tribal organizations, in Alaska.

''(5) NATIVE HAWAIIAN RESOURCE CENTER.—To be eligible to receive a grant under subsection (b)(4), an entity shall be a Native Hawaiian organization, or a nonprofit private

organization that focuses primarily on issues of family violence, domestic violence, and dating violence within the Native Hawaiian community, that submits information to the Secretary demonstrating—

''(A) experience working with Native Hawaiian organizations to respond to family violence, domestic violence, and dating violence;

''(B) experience providing Native Hawaiian organizations with assistance in developing prevention, intervention, and response services addressing family violence, domestic violence, and dating violence and safety for Native Hawaiian women;

''(C) strong support for the entity's designation as the Native Hawaiian resource center on domestic violence from advocates working with Native Hawaiian organizations to address family violence, domestic violence, and dating violence and the safety of Native Hawaiian women;

''(D) a record of demonstrated effectiveness in assisting Native Hawaiian organizations with prevention, intervention, and response services addressing family violence, domestic violence, and dating violence; and

''(E) the capacity to serve geographically diverse Native Hawaiian communities and organizations.''; and

(F) in paragraph (6), as so redesignated—

(i) in the matter preceding subparagraph (A), by striking ''subsection (b)(3)'' and inserting ''subsection (b)(5)''; and

(ii) in subparagraph (A)—

(I) by striking ''(including Alaska Natives)''; and

(II) by striking ''Indian tribe, tribal organization'' and inserting ''Indian Tribe, Tribal organization''.

SEC. 5613. GRANTS TO STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 (42 U.S.C. 10411) is amended—

(1) in subsection (b)(1), by striking ''section 303(a)(2)(D)'' and inserting ''section 303 and made available to carry out this section'';

(2) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''intervention and prevention'' and inserting ''prevention, intervention, and response''; and

(ii) by striking ''shall include'';

(B) in paragraph (1)—

(i) by inserting '', and evidence-informed prevention of,'' after ''comprehensive responses to''; and

(ii) by striking ''working with local'' and inserting ''shall include—

''(A) working with local'';

(C) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and adjusting the margins accordingly;

(D) in subparagraph (C) of paragraph (1), as so redesignated—

(i) by striking ''dependents'' and inserting ''children and dependents''; and

(ii) by adding ''and'' after the semicolon; and

(E) by inserting after subparagraph (C) of paragraph (1), as so redesignated, the following:

''(D) collaborating with, as applicable for the State, Indian Tribes and Tribal organizations (including Alaska Native groups or communities), or Native Hawaiian groups or communities, to address the needs of Indian (including Alaska Native) or Native Hawaiian victims of family violence, domestic violence, or dating violence; and'';

(F) in paragraph (4)—

(i) by striking ''collaborating with and providing'' and inserting ''may include—

''(A) collaborating with and providing'';

and

(ii) by striking '', mental health'' and inserting ''(including mental health and substance use disorders)'';

(G) by redesignating paragraph (4) as paragraph (2);

(H) in paragraph (6), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(I) by redesignating paragraphs (5) through (7) as subparagraphs (B) through (D), respectively, and adjusting the margins accordingly;

(J) in clause (ii) of subparagraph (C) of paragraph (2), as so redesignated, by striking ''child abuse is present;'' and inserting ''there is a co-occurrence of child abuse; and'';

(K) by striking paragraph (8); and

(L) in subparagraph (D) of paragraph (2), as so redesignated, by striking ''; and'' and inserting a period;

(3) by striking subsection (e);

(4) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively; and

(5) in subsection (g), as so redesignated, by striking ''Indian tribes and tribal organizations'' and inserting ''Indian Tribes and Tribal organizations''.

SEC. 5614. GRANTS TO TRIBAL DOMESTIC VIOLENCE COALITIONS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by inserting after section 311 the following:

''SEC. 311A. GRANTS TO TRIBAL DOMESTIC VIOLENCE COALITIONS.

''(a) GRANTS AUTHORIZED.—Beginning with fiscal year 2023, out of amounts appropriated under section 303 and made available to carry out this section for a fiscal year, the Secretary shall award grants to eligible entities in accordance with this section.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a Tribal Domestic Violence Coalition that is recognized by the Office on Violence Against Women of the Department of Justice that provides services to Indian Tribes.

''(c) APPLICATION.—Each Tribal Domestic Violence Coalition 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. The application submitted by the coalition for the grant shall provide documentation of the coalition's work, demonstrating that the coalition—

''(1) meets all the applicable requirements set forth in this section; and

''(2) has the ability to conduct all activities described in this section, as indicated by—

''(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

''(B) documented history of activities to further the purposes of this section set forth in subsection (d).

''(d) USE OF FUNDS.—A Tribal Domestic Violence Coalition eligible under subsection (b) that receives a grant under this section may use the grant funds for administration and operation to further the purposes of family violence, domestic violence, and dating violence prevention, intervention, and response activities, including—

''(1) working with local Tribal family violence, domestic violence, or dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the Indian Tribes served, including providing education and technical assistance and conducting Tribal needs assessments;

''(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 308(a);

''(3) working in collaboration with Tribal service providers and community-based organizations to address the needs of victims of family violence, domestic violence, and dating violence, and their children and dependents;

''(4) collaborating with, and providing information to, entities in such fields as housing, health care (including mental health and substance use disorder care), social welfare, education, and law enforcement to support the development and implementation of effective policies;

''(5) supporting the development and implementation of effective policies, protocols, legislation, codes, and programs that address the safety and support needs of adult and youth Tribal victims of family violence, domestic violence, or dating violence;

''(6) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, by working with Tribal, State, and Federal judicial agencies and law enforcement agencies;

''(7) working with Tribal, State, and Federal judicial agencies, including family law judges, criminal court judges, child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues—

''(A) in cases of child exposure to family violence, domestic violence, or dating violence; or

''(B) in cases in which—

''(i) family violence, domestic violence, or dating violence is present; and

''(ii) child abuse is present;

''(8) providing information to the public about prevention of family violence, domestic violence, and dating violence within Indian Tribes;

''(9) assisting Indian Tribes' participation in, and attendance of, Federal and State consultations on family violence, domestic violence, or dating violence, including consultations mandated by the Violence Against Women Act of 1994 (title IV of Public Law 103–322), the Victims of Crime Act of 1984 (34 U.S.C. 20101 et seq.), or this title; and

''(10) providing services described in section 308(b) to victims of family violence, domestic violence, and dating violence.

''(e) REALLOCATION.—If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 303 and made available to carry out this section, a portion of the available amount has not been awarded to Tribal Domestic Violence Coalitions for grants under this section because of the failure of such coalitions to meet the requirements for such grants, then the Secretary shall award such portion, in equal shares, to Tribal Domestic Violence Coalitions that meet such requirements.''.

SEC. 5615. SPECIALIZED SERVICES FOR ABUSED PARENTS AND THEIR CHILDREN AND YOUTH.

Section 312 (42 U.S.C. 10412) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children'' and inserting '' service programs and community-based programs, including culturally-specific community based programs, to serve children and youth''; and

(ii) by inserting '', and to support the caregiving capacity of adult victims'' before the period; and

(B) in paragraph (2), by striking ''for periods of not more than 2'' and inserting ''for periods of 3'';

(2) in subsection (b)—

(A) by inserting ''or State domestic violence services'' after ''local'';

(B) by inserting ''a culturally specific organization,'' after ''associations),'';

(C) by striking ''tribal organization'' and inserting ''Tribal organization'';

(D) by inserting ''adult, child, and youth'' after ''serving''; and

(E) by striking ''and their children''; and

(3) in subsection (c)—

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

''(1) a description of how the entity will prioritize the safety of, and confidentiality of information about adult, child, and youth victims of family violence, domestic violence, or dating violence;'';

(B) in paragraph (2), by striking ''developmentally appropriate and age-appropriate services, and culturally and linguistically appropriate services, to the victims and children; and'' and inserting ''trauma-informed, developmentally appropriate, age-appropriate, and culturally and linguistically appropriate services to children and youth and their adult caregivers;'';

(C) in paragraph (3), by striking ''appropriate and relevant to the unique needs of children exposed to family violence, domestic violence, or dating violence.'' and inserting the following: ''that—

''(i) is relevant to the unique needs of children and youth exposed to family violence, domestic violence, or dating violence;

''(ii) provides for the safety of children, youth, and their non-abusing parents; and

''(iii) improves the interventions, delivery of services, and treatments provided for such children, youth, and families; and''; and

(D) by adding at the end the following:

''(4) a description of prevention activities targeting child and youth victims of family violence, domestic violence, or dating violence.'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''victims of family violence, domestic violence, or dating violence and their children'' and inserting ''child, youth and adult victims of family violence, domestic violence, or dating violence''; and

(II) by inserting ''and the health system, including for the purpose of improving the recognition and response by the systems to signs of family violence, domestic violence, or dating violence'' before the semicolon;

(ii) in subparagraph (B), by inserting ''and youth'' after ''children''; and

(iii) in subparagraph (C), by inserting ''or youth'' after ''child''; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence'' and inserting ''health, education, or other community-based organizations serving adult, child, and youth victims of family violence, domestic violence, or dating violence''; and

(ii) in subparagraph (C)—

(I) by inserting ''and youth'' after ''for children''; and

(II) by inserting ''health,'' after ''transportation,''; and

(5) in subsection (e)—

(A) by inserting ''shall participate in an evaluation and'' after ''under this section''; and

(B) by striking ''contain'' and inserting ''including information on''.

SEC. 5616. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

Section 313 (42 U.S.C. 10413) is amended—

(1) in subsection (a)—

(A) by striking ''telephone hotline'' and inserting ''telephonic hotline and digital services'';

(B) by striking ''a hotline that provides'' and inserting ''a hotline and digital services that provide''; and

(C) by inserting before the period at the end of the second sentence the following: '', and that provide information about healthy relationships for adults and youth'';

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ''and digital services'' after ''hotline'';

(ii) in subparagraph (A), by striking ''hotline personnel'' and all that follows through ''by the hotline'' and inserting ''advocacy personnel responding to hotline callers and digital service users'';

(iii) in subparagraph (B), by striking ''hotline personnel'' and inserting ''advocacy personnel responding to hotline callers and digital service users'';

(iv) in subparagraphs (D) and (F), by inserting ''and digital services'' after ''hotline'' each place such term appears;

(v) in subparagraph (E)—

(I) by striking ''non-English speaking callers'' and inserting ''callers and digital services users with limited English proficiency''; and

(II) by striking ''hotline personnel'' and inserting ''advocacy personnel'';

(vi) in subparagraph (F), by striking ''hearing impairments; and'' and inserting ''disabilities, including individuals who are deaf or hard of hearing or are blind or have visual impairments, and for educating hotline and digital services personnel in assisting persons with disabilities when those persons are accessing the hotline and digital services;'';

(vii) in subparagraph (G), by striking ''youth victims'' and all that follows and inserting ''youth victims of family violence, domestic violence, and dating violence, which plan may be carried out through a national youth dating violence hotline and other digital services and resources'';

(B) in paragraph (4), by inserting '', digital services,'' after ''hotline'';

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

''(5) demonstrate that the applicant has the ability to—

''(A) provide information and referrals for individuals contacting the hotline or using digital services;

''(B) directly connect callers or assist digital services users in connecting to service providers;

''(C) employ crisis interventions meeting the standards of family violence, domestic violence, and dating violence providers; and

''(D) provide information about healthy relationships for adults and youth;'';

(D) in paragraph (7), by striking ''306(c)(5)'' and inserting ''302A(b)''; and

(3) in subsection (e)—

(A) in the heading, by inserting ''AND DIGITAL SERVICES'' after ''HOTLINE'';

(B) in paragraph (1)—

(i) by striking ''telephone hotline'' and inserting ''telephonic hotline and digital services''; and

(ii) by striking ''and assistance to adult'' and inserting ''for the benefit of adult''; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ''and digital services'' after ''hotline'';

(ii) in subparagraph (A), by striking ''toll-free telephone line'' and inserting ''24-hour toll-free telephone line and an internet service provider for operating digital services in accessible formats including TTY and interpreter services, where applicable'' before the semicolon;

(iii) in subparagraph (B), by striking '', provide counseling and referral services for callers on a 24-hour-a-day basis, and directly connect callers'' and inserting ''and digital services contacts, provide counseling, healthy relationship information, and referral services for callers and digital services users, on a 24-hour-a-day basis, and directly connect callers and digital services users'';

(iv) in subparagraph (C), by inserting ''and digital services users'' after ''callers'';

(v) in subparagraph (D)—

(I) by inserting ''and digital services'' after ''hotline''; and

(II) by inserting ''and, as appropriate, in accessible formats, including formats compliant with the most recent Web Content Accessibility Guidelines or successor guideline as applicable'' after ''users'';

(vi) in subparagraph (E), by striking ''underserved populations and individuals with disabilities'' and inserting ''racial and ethnic minority populations, Tribal populations, persons with disabilities, and other underserved populations, by ensuring access to the hotline and digital services through accommodations and education for advocacy personnel'';

(vii) in subparagraph (F), by striking ''teen dating violence hotline'' and inserting ''hotline or digital services''; and

(viii) in subparagraph (H), by inserting ''or digital services provider'' after ''hotline operator'' each place it appears.

SEC. 5617. NATIONAL INDIAN DOMESTIC VIOLENCE HOTLINE GRANT.

(a) PURPOSE.—The purpose of this section is to increase the availability of information and assistance to Indian adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and individuals affected by such victimization by supporting a national, toll-free telephonic and digital hotline to provide services that are—

(1) informed of Federal Indian law and Tribal laws impacting Indian victims of family violence, domestic violence, or dating violence;

(2) culturally appropriate to Indian adult and youth victims; and

(3) developed in cooperation with victim services offered by Indian Tribes and Tribal organizations.

(b) GRANT PROGRAM.—The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by inserting after section 313 the following:

''SEC. 313A. NATIONAL INDIAN DOMESTIC VIOLENCE HOTLINE GRANT.

''(a) IN GENERAL.—The Secretary shall award a grant to a Tribal organization or private, nonprofit entity to maintain the ongoing operation of a 24-hour, national, toll-free telephonic hotline and digital services to provide information and assistance to Indian adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and other individuals affected by such victimization.

''(b) TERM.—The Secretary shall award a grant under this section for a period of not more than 5 years.

''(c) CONDITIONS ON PAYMENT.—The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

''(d) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall be a Tribal organization or a nonprofit private organization that focuses primarily on issues of family violence, domestic violence, and dating violence as it relates to American Indians and Alaska Natives, and submit an application to the Secretary that shall—

''(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe;

''(2) include a complete description of the applicant's plan for the operation of a national Indian domestic violence hotline and digital services, including descriptions of—

''(A) the education program for advocacy personnel responding to hotline callers and digital service users, including education on the provision of culturally appropriate services, Federal Indian law and Tribal laws impacting Indian victims of family violence, domestic violence, or dating violence, and resources and referrals for such victims;

''(B) the qualifications of the applicant and the hiring criteria and qualifications for advocacy personnel, to ensure that hotline advocates and other personnel have demonstrated knowledge of Indian legal, social, and cultural issues and are able to meet the unique needs of Indian callers and users of digital services;

''(C) the methods for the creation, maintenance, and updating of a resource database of culturally appropriate victim services and resources available from Indian Tribes and Tribal organizations;

''(D) a plan for publicizing the availability of the national Indian hotline and digital services to Indian victims of family violence, domestic violence, and dating violence;

''(E) a plan for providing service to callers and digital services users with limited English proficiency, including service through advocacy personnel who have non-English language capability;

''(F) a plan for facilitating access to hotline and digital services by persons with disabilities, including individuals who are deaf or hard of hearing or are blind or have visual impairments, and for educating hotline and digital services personnel on assisting persons with disabilities when those persons are accessing the hotline and digital services; and

''(G) a plan for providing assistance and referrals to Indian youth victims of family violence, domestic violence, and dating violence, which plan may be carried out through a national Indian youth dating violence hotline and other digital services and resources;

''(3) demonstrate recognized expertise providing services, including information on healthy relationships and referrals for Indian victims of family violence, domestic violence, or dating violence and coordinating services with Indian Tribes or Tribal organizations;

''(4) demonstrate support from Indian victim services programs, Tribal coalitions recognized by the Office on Violence Against Women and Tribal grantees under this title;

''(5) demonstrate the capacity and expertise to maintain a domestic violence hotline, digital services and a comprehensive database of service providers from Indian Tribes or Tribal organizations;

''(6) demonstrate compliance with nondisclosure requirements as described in section 302A(b) and following comprehensive quality assurance practices; and

''(7) contain such other information as the Secretary may require.

''(e) INDIAN HOTLINE ACTIVITIES.—

''(1) IN GENERAL.—An entity that receives a grant under this section shall use funds made available through the grant for the purpose described in subsection (a), consistent with paragraph (2).

''(2) ACTIVITIES.—In establishing and operating the hotline and digital services, the entity—

''(A) shall contract with a carrier for the use of a 24-hour toll-free telephone line and an internet service provider for operating digital services in accessible formats including TTY and interpreter services, where applicable;

''(B) shall employ, educate, and supervise personnel to answer incoming calls and digital services contacts, provide counseling, healthy relationship information, and referral services for Indian callers and digital services users on a 24-hour-a-day basis, directly connect callers, and assist digital services users in connecting to service providers;

''(C) shall assemble and maintain a database of information relating to services for Indian victims of family violence, domestic violence, or dating violence to which Indian callers or digital services users may be referred, including information on the availability of shelter and supportive services for victims of family violence, domestic violence, or dating violence;

''(D) shall widely publicize the hotline and digital services (and, as appropriate, in accessible formats, including formats compliant with the most recent Web Content Accessibility Guidelines or successor guideline as applicable) throughout Indian Tribes and communities, including—

''(i) national and regional member organizations of Indian Tribes;

''(ii) Tribal domestic violence services programs; and

''(iii) Tribal nonprofit victim service providers;

''(E) at the discretion of the hotline operator or digital services provider, may provide—

''(i) appropriate assistance and referrals for family and household members of Indian victims of family violence, domestic violence, or dating violence, and Indians affected by the victimization described in subsection (a); and

''(ii) appropriate assistance, or referrals for counseling or intervention, for identified Indian perpetrators, including self-identified perpetrators, of family violence, domestic violence, or dating violence, but shall not be required to provide such assistance or referrals in any circumstance in which the hotline operator or digital services provider fears the safety of a victim may be impacted by an abuser or suspected abuser.

''(f) REPORTS AND EVALUATION.—The entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

''(g) ADMINISTRATION, EVALUATION, AND MONITORING.—Of amounts appropriated under section 303(c) to carry out this section, not more than 4 percent may be used by the Secretary for evaluation, monitoring, and other administrative costs under this section.''.

SEC. 5618. ADDITIONAL GRANT PROGRAMS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by inserting after section 313A, as added by this title, the following:

''SEC. 313B. GRANTS FOR UNDERSERVED POPULATIONS.

''(a) PURPOSE.—It is the purpose of this section to provide grants to assist communities in mobilizing and organizing resources in support of effective and sustainable programs to prevent, intervene in, and respond to family violence, domestic violence, and dating violence, experienced by underserved populations.

''(b) PLANNING AND IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Family Violence Prevention and Services Program, shall award grants to eligible entities to assist in capacity building for, or planning, developing, or implementing of, culturally and linguistically appropriate, community-driven strategies to prevent, intervene in, and respond to family violence, domestic violence, and dating violence, in underserved populations.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be—

''(A) a population-specific organization—

''(i) that has demonstrated experience and expertise in providing population-specific victim services in the relevant underserved population that the entity proposes to serve; or

''(ii) that demonstrates capacity for providing victim services and is working in partnership with a victim service provider or domestic violence or sexual assault coalition; or

''(B) a victim service provider that is offering population-specific services for a specific underserved population.

''(3) APPLICATION.—An entity seeking a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include a description of the targeted underserved population to be served under the grant and how grant funds will be used in accordance with this subsection.

''(4) USE OF FUNDS.—An entity that receives a grant under this subsection—

''(A) shall use the grant funds to support the capacity building, planning, developing, or implementing of programs for the targeted underserved population that—

''(i) utilize community-driven prevention, intervention, and response strategies that address the barriers to access to family violence, domestic violence, and dating violence services;

''(ii) raise awareness of family violence, domestic violence, and dating violence; and

''(iii) promote community engagement in the prevention of, intervention in, and response to family violence, domestic violence, and dating violence;

''(B) may use the grant funds to—

''(i) expand collaboration with national, State, Tribal, local, or community partners that can provide appropriate assistance to the targeted underserved population;

''(ii) develop and implement community engagement strategies, including the establishment of community working groups;

''(iii) procure or participate in evidence-based education and technical assistance for program development, implementation, evaluation, and other programmatic issues;

''(iv) identify or implement promising prevention, intervention, and response strategies;

''(v) implement, with input from the targeted underserved population, a plan developed under subparagraph (C)(ii);

''(vi) collect, analyze, or interpret data appropriate for monitoring and evaluating the program carried out under this subsection, which may include collaboration with academic or other appropriate institutions;

''(vii) collaborate with appropriate partners to disseminate information gained from the program to expand the reach of the information;

''(viii) develop policy initiatives for systems change to address the barriers described in subparagraph (A)(i) or the awareness issues described in subparagraph (A)(ii); and

''(ix) conduct an evaluation of the capacity building, planning, development, or implementation activities conducted using the grant funds; and

''(C) for planning purposes, may use the grant funds to—

''(i) conduct, incorporating input from the targeted underserved population, a needs assessment of the targeted underserved population to determine the barriers to access described in subparagraph (A)(i) and factors contributing to such barriers; and

''(ii) develop a plan, with the input of the targeted underserved population, that includes strategies for—

''(I) implementing prevention, intervention, and response strategies that demonstrate potential for addressing the barriers to access, raising awareness of family violence, domestic violence, and dating violence, and promoting community engagement in the prevention of, intervention in, and response to family violence, domestic violence, and dating violence, within the targeted underserved population;

''(II) identifying other sources of revenue (besides funds appropriated to carry out this section) and integrating current and proposed funding sources to ensure long-term sustainability of the program carried out by the eligible entity under this subsection; and

''(III) conducting evaluations, including collecting data and measuring progress toward addressing family violence, domestic violence, and dating violence, or towards raising awareness of family violence, domestic violence, and dating violence, in the targeted underserved population.

''(5) DURATION.—

''(A) IN GENERAL.—Except as described in subparagraph (B), the period during which payments may be made under a grant under this subsection shall not exceed 5 years.

''(B) EXTENSION FOR EXTRAORDINARY CIRCUMSTANCES.—In a case in which the Secretary determines that extraordinary circumstances exist, the Secretary may extend the period under subparagraph (A) for not more than 2 years.

''(c) EVALUATION GRANTS, AGREEMENTS, AND CONTRACTS.—

''(1) IN GENERAL.—The Secretary shall award grants or enter into cooperative agreements or contracts with eligible entities that have received a grant under subsection (b) for the purpose of additional data analysis, program evaluation, which may include evaluating the processes used by the program and evaluating the program outcome measures, or dissemination of findings.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant or to enter into a cooperative agreement or contract under this subsection, an entity shall be an organization that—

''(A) has received a grant under subsection (b); and

''(B) is working in collaboration with an entity that—

''(i) specializes in research, data analysis, or program evaluation; and

''(ii) has the ability to analyze or evaluate the programs carried out by the organization.

''(3) APPLICATION.—An entity seeking a grant, cooperative agreement, or contract under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the proposed scope of the analysis or evaluation and how funds will be used to carry out such analysis or evaluation; and

''(B) a description of how the analysis or evaluation seeks to increase the research base of effective programs for improving services for preventing, intervening, and responding to family violence, domestic violence, and dating violence in underserved populations.

''(d) NONSUPPLANTATION.—Funds provided under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this section.

''(e) TECHNICAL ASSISTANCE, EVALUATION, AND MONITORING.—

''(1) IN GENERAL.—Of the amounts appropriated under section 303(e) for each fiscal year—

''(A) up to 5 percent may be used by the Secretary for evaluation, monitoring, and other administration under this section; and

''(B) up to 3 percent may be used by the Secretary for technical assistance under paragraph (2).

''(2) TECHNICAL ASSISTANCE PROVIDED BY GRANTEES.—The Secretary shall enable recipients of grants under subsection (b) to share best practices, evaluation results, reports, and other pertinent information regarding the programs and projects funded under this section with other entities serving underserved populations.

''(3) REPORTS.—Each entity receiving funds under this section shall file a performance report at such times as requested by the Secretary describing the activities that have been carried out with funds under this section and providing such additional information as the Secretary may require.

''SEC. 313C. GRANTS TO ENHANCE CULTURALLY SPECIFIC SERVICES.

''(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Family Violence Prevention and Services Program, shall establish a grant program to establish or enhance culturally specific services for victims of family violence, domestic violence, and dating violence from racial and ethnic minority populations.

''(b) PURPOSES.—

''(1) IN GENERAL.—The purposes of the grant program under this section are to—

''(A) develop and support innovative culturally specific community-based programs to enhance access to shelter or supportive services to further the purposes of family violence, domestic violence, and dating violence prevention, intervention, and response for all victims of family violence, domestic violence, or dating violence from racial and ethnic minority populations who face obstacles to using more traditional services and resources;

''(B) strengthen the capacity and further the leadership development of individuals in racial and ethnic minority populations to address family violence, domestic violence, and dating violence in their communities; and

''(C) promote strategic partnership development and collaboration, including with health programs, early childhood programs, economic support programs, schools, child welfare programs, workforce development programs, domestic violence programs, other community-based programs, faith-based programs, and youth programs, in order to address family violence, domestic violence, and dating violence through a multidisciplinary approach.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—The Secretary shall award grants to eligible entities for programs for the targeted populations to establish or enhance family violence, domestic violence, and dating violence prevention, intervention, and response efforts that address distinctive culturally specific responses to family violence, domestic violence, and dating violence in racial and ethnic minority populations.

''(B) NEW PROGRAMS.—In carrying out this section, the Secretary may award initial planning and capacity building grants to eligible entities that are establishing new programs in order to support the planning and development of culturally specific programs.

''(C) COMPETITIVE BASIS.—The Secretary shall ensure that grants are awarded under this section, to the extent practical, only on a competitive basis.

''(D) TECHNICAL ASSISTANCE.—Up to 5 percent of funds appropriated under section 303 and made available to carry out this section for a fiscal year shall be available for educational and technical assistance to be used by the grantees to access evidence-based educational and technical assistance, including from centers described in section 310, regarding the provision of effective culturally specific, community-based services for racial and ethnic minority populations.

''(c) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a private nonprofit, nongovernmental organization (including a faith-based, charitable, or voluntary organization) that is—

''(1) a community-based organization whose primary purpose is providing culturally specific services to victims of family violence, domestic violence, and dating violence from racial and ethnic minority populations; or

''(2) a community-based organization whose primary purpose is providing culturally specific services to individuals from racial and ethnic minority populations that can partner with an organization having demonstrated expertise in serving victims of family violence, domestic violence, and dating violence.

''(d) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to this section are provided in the language, educational context, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

''(e) GRANT PERIOD.—The Secretary shall award grants under this section for a 3-year period, with a possible extension of another 2 years to further implementation of the projects under the grant.

''(f) NONEXCLUSIVITY.—Nothing in this section shall be interpreted to exclude linguistically and culturally specific community-based entities from applying for other sources of funding available under this title.

''(g) REPORTS AND EVALUATION.—Each entity receiving funds under this section shall file a performance report at such times as requested by the Secretary describing the activities that have been carried out with such grant funds and providing such additional information as the Secretary may require.''.

SEC. 5619. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP.

Section 314 (42 U.S.C. 10414) is amended to read as follows:

''SEC. 314. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP.

''(a) PURPOSE.—The purposes of this section are—

''(1) to continue efforts to build evidence for effective primary and secondary prevention practices, programs, and policies, that reduce and end family violence, domestic violence, and dating violence; and

''(2) to advance primary and secondary prevention efforts related to family violence, domestic violence, and dating violence, through the establishment, operation, and maintenance of State, Tribal, and local community projects.

''(b) PROGRAMS AUTHORIZED.—From the amounts appropriated under section 303(d), the Secretary shall provide—

''(1) grants or cooperative agreements under subsection (c) to eligible entities to build organizational capacity and leadership

for primary and secondary prevention of family violence, domestic violence, and dating violence, including work with other systems central to prevention at the State, Tribal, and local levels; and

''(2) grants or cooperative agreements under subsection (d) to eligible entities to—

''(A) implement and test innovative family violence, domestic violence, and dating violence prevention models, particularly models for those programs serving culturally specific or underserved populations; and

''(B) scale up family violence, domestic violence, and dating violence prevention models with promising or demonstrated evidence of effectiveness.

''(c) GRANTS OR COOPERATIVE AGREEMENTS TO BUILD PRIMARY AND SECONDARY PREVENTION CAPACITY.—

''(1) ELIGIBILITY.—To be eligible to receive a grant or cooperative agreement under this subsection, an entity shall be a State Domestic Violence Coalition, territorial Domestic Violence Coalition, or Tribal Domestic Violence Coalition.

''(2) APPLICATION.—An eligible entity seeking a grant or cooperative agreement under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a demonstration of the entity's prevention work and ability to conduct the activities described in paragraph (3).

''(3) USE OF FUNDS.—An entity that receives a grant or cooperative agreement under this subsection—

''(A) shall use the grant or cooperative agreement funds to—

''(i) build the entity's organizational and leadership capacity to advance evidence-informed primary and secondary prevention of family violence, domestic violence, and dating violence;

''(ii) provide prevention-focused education, technical assistance, peer learning opportunities, and other support to local domestic violence programs and other community-based and culturally specific programs working to address family violence, domestic violence, and dating violence;

''(iii) provide education and advocacy to State, Tribal, and local public and private entities on how to prevent family violence, domestic violence, and dating violence; and

''(iv) support dissemination of prevention strategies and approaches throughout State, Tribal, or local communities; and

''(B) may use the grant or cooperative agreement funds to provide subgrants to local programs for the purposes described in clauses (i) though (iv) of subparagraph (A).

''(4) REPORTS.—Each entity receiving a grant or cooperative agreement under this subsection shall submit a performance report to the Secretary at such time as the Secretary requires. Such report shall describe the activities that have been carried out with the grant or cooperative agreement funds and the effectiveness of such activities, and provide such additional information as the Secretary may require.

''(d) GRANTS OR COOPERATIVE AGREEMENT FOR IMPLEMENTATION, EVALUATION, AND SCALING OF PRIMARY AND SECONDARY PREVENTION STRATEGIES.—

''(1) ELIGIBILITY.—To be eligible to receive a grant or cooperative agreement under this subsection, an entity shall—

''(A) be a State, Tribal, or territorial Domestic Violence Coalition; and

''(B) include representatives of pertinent sectors of the local community to be served, which may include—

''(i) health care providers;

''(ii) State, Tribal, or local health departments serving the local community;

''(iii) the education community;

''(iv) the juvenile justice system;

''(v) family violence, domestic violence, or dating violence service program advocates;

''(vi) faith-based organizations;

''(vii) public human service entities;

''(viii) business leaders;

''(ix) civic leaders;

''(x) child and youth-serving organizations;

''(xi) community-based organizations that provide culturally appropriate services to underserved populations, such as racial and ethnic minority populations; and

''(xii) other pertinent sectors.

''(2) TERM.—Grants or cooperative agreements under this subsection shall be for a period of not more than 5 fiscal years.

''(3) APPLICATIONS.—An entity that desires a grant or cooperative agreement under this subsection to carry out a project shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, which shall include the information described in each of the following subparagraphs:

''(A) A complete description of—

''(i) the prevention models and strategies to be implemented, tested, or scaled and partner organizations that will be implementing a project to prevent family violence, domestic violence, and dating violence;

''(ii) the coalition's strategy to prevent family violence, domestic violence, and dating violence and the expected outcomes from the prevention activities to be carried out under the grant;

''(iii) the method to be used for identification and selection of project staff and a project evaluator; and

''(iv) the method to be used for identification and selection of a project council consisting of representatives of the community sectors listed in paragraph (1)(B).

''(B) A demonstration that the coalition—

''(i) has developed collaborative relationships with diverse communities, including organizations primarily serving culturally specific or other underserved populations; and

''(ii) has the capacity to carry out collaborative community initiatives to prevent family violence, domestic violence, and dating violence.

''(C) Such other information, agreements, and assurances as the Secretary may require.

''(4) GEOGRAPHICAL DISPERSION.—The Secretary shall award grants or cooperative agreements under this subsection to coalitions for States and Tribes that are geographically dispersed throughout the United States.

''(5) USE OF FUNDS.—

''(A) IN GENERAL.—An entity that receives a grant or cooperative agreements under this subsection shall use the grant or cooperative agreement funds to—

''(i) establish, operate, maintain, and evaluate a project that involves a coordinated community response to reduce risk factors for family violence, domestic violence, and dating violence perpetration and enhance protective factors to promote positive development and healthy relationships and communities; and

''(ii) if such a project shows promising or demonstrated evidence of effectiveness, scale up such project.

''(B) REQUIREMENTS.—In establishing and operating a project under this paragraph, an entity shall—

''(i) utilize evidence-informed prevention project planning;

''(ii) recognize and address the needs of underserved populations, such as racial and ethnic minority populations and persons with disabilities, through culturally specific responses; and

''(iii) expand family violence, domestic violence, and dating violence prevention strategies among local domestic violence programs and other community-based programs.

''(6) REPORTS.—

''(A) IN GENERAL.—Each entity receiving a grant or cooperative agreement under this subsection shall submit a performance report to the Secretary at such time as the Secretary requires. Such report shall contain an evaluation that describes the activities that have been carried out with the grant or cooperative agreement funds and the effectiveness of such activities, and provide such additional information as the Secretary may require.

''(B) PUBLICATION.—The Secretary shall make the evaluation reports received under this paragraph publicly available on the Department of Health and Human Services website, and submit such reports to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

''(e) TECHNICAL ASSISTANCE, EVALUATION, AND MONITORING.—The Secretary may use a portion of the funds appropriated to carry out this section to provide for the evaluation, monitoring, administration, and technical assistance of programs authorized under subsection (b).

''(f) RULES OF CONSTRUCTION.—

''(1) STATE DOMESTIC VIOLENCE COALITION.—Notwithstanding section 302, for purposes of this Act, the term 'State', used with respect to a Domestic Violence Coalition, means a State Domestic Violence Coalition operating in a State that is one of the several States or the District of Columbia.

''(2) TERRITORIAL DOMESTIC VIOLENCE COALITION.—For purposes of this Act, the term 'territorial' used with respect to a Domestic Violence Coalition, means a State Domestic Violence Coalition operating in a State that is the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands.''.

SEC. 5620. ANALYSIS OF FEDERAL SUPPORT FOR FINANCIAL STABILITY AMONG SURVIVORS OF FAMILY VIOLENCE, DOMESTIC VIOLENCE, AND DATING VIOLENCE.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study that includes—

(A) a review of what is known about the number of survivors of family violence, domestic violence, and dating violence in the United States;

(B) statistical data for recent fiscal years, as available, on such number of survivors;

(C) a description of key Federal programs providing such survivors with financial and nonfinancial services and supports;

(D) an analysis of the gaps in such services and supports provided by Federal programs, including in meeting the financial and nonfinancial needs of survivors;

(E) a demographic analysis of the distribution of such gaps for groups including racial and ethnic minorities, individuals with disabilities, Tribal populations, and individuals who are geographically isolated;

(F) a review of challenges that could affect program utilization by such survivors; and

(G) an review of the extent to which Federal agencies administering programs described in subparagraph (C) have taken steps to ensure that survivors of family violence, domestic violence, and dating violence have access to programs that will support them; and

(2) submit to the Committee on Health, Education, Labor, and Pensions and the

Committee on the Judiciary of the Senate and the Committee on Education and Labor and the Committee on the Judiciary of the House of Representatives a report on such study.

SEC. 5621. GAO REVIEW OF RESOURCE CENTERS.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the resource centers receiving grants under section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) that includes—

(A) an evaluation of how the Secretary of Health and Human Services works to ensure the effectiveness of such resource centers in providing information, education, and technical assistance related to the response to, intervention in, and prevention of family violence, domestic violence, and dating violence;

(B) an evaluation of the quality of the data submissions under subsection (d) of such section;

(C) recommendations, as appropriate, to the Secretary for improvements to the use of such resource centers; and

(D) an evaluation of the capacity of the Secretary to present statutorily-required data on such resource centers to Congress within the required timeframe; and

(2) submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on such review.

TITLE LVII—GENERAL PROVISIONS

SEC. 5701. EFFECTIVE DATE AND TRANSITION RULE.

(a) EFFECTIVE DATE.—This division, including the amendments made by this division, takes effect on the date of enactment of this Act.

(b) TRANSITION.—

(1) DEFINITION.—In this section, the term ''immediate provision'' means any of—

(A) sections 5109, 5111, 5202, 5302, 5303, 5504, 5506, 5605, 5620, and 5621, including an amendment made by that section;

(B) the portion of section 5301 that adds section 302 of the Child Abuse Prevention and Treatment Act;

(C) the portions of section 5401 that insert sections 403 and 405 of the Child Abuse Prevention and Treatment Act; and

(D) the portion of section 5612 that adds paragraph (3) to section 310(a) of the Family Violence Prevention and Services Act.

(2) APPLICABLE PROVISIONS.—For each provision of this division that is not one of the immediate provisions, the Secretary of Health and Human Services—

(A) shall determine the date (which shall be not later than October 1, 2024) on which the provision shall apply;

(B) until the date the provision applies, shall apply the corresponding provision (if any) in effect on the day before the date of enactment of this Act; and

(C) shall have the authority to take such steps as are necessary to provide for the orderly transition to, and implementation of, programs authorized by this division, including the amendments made by this division, not later than October 1, 2024.

(3) IMMEDIATE PROVISION.—In order to provide for that orderly transition, until October 1, 2024, a reference in an immediate provision shall be considered to be a reference to that provision, or to the corresponding provision (if any) described in paragraph (2)(B), as determined by the Secretary.

SA 6092. 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. ENFORCEMENT OF ARMS EMBARGO ON SOUTH SUDAN.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State and the Secretary of the Treasury, shall provide to the appropriate congressional committees a report on military assistance and arms sales supplied to South Sudan by any foreign government or private military entity headquartered or registered in any country.

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

(1) A description of all known bilateral agreements between South Sudan and foreign governments since 2011, including agreements regarding military and technical cooperation, arms sales, and natural resource exploration for extraction purposes.

(2) An analysis of direct or indirect military support to South Sudan or non-state armed groups in South Sudan by a foreign government or a private military entity headquartered or registered in a foreign country, including a description of the types of support and an estimate of the monetary value of such support.

(3) A description of arms sales or deliveries to South Sudan within the previous calendar year and an analysis of the extent to which such arms sales violate the arms embargo.

(4) An analysis of efforts by South Sudan through direct and indirect lobbying and misinformation to undermine or evade the arms embargo.

(5) An analysis of how foreign arms sales to the Revitalized Transitional Government of National Unity (RTGoNU) of South Sudan and non-state armed groups impact human rights and the peace and security in South Sudan, including the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), signed on September 12, 2018, by the government and main opposition parties of South Sudan.

(6) A plan for the United States Government to monitor, report, and counteract efforts by South Sudan, any foreign government, and any private military entity headquartered or registered in a country other than South Sudan to evade the arms embargo, including export controls.

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

(d) DEFINITIONS.—In this section:

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

(A) the Committee on 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.

(2) ARMS EMBARGO.—The term ''arms embargo'' means the arms embargo imposed on the Republic of South Sudan by the United Nations Security Council.

SA 6093. 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. SECURING ALLIES FOOD IN EMERGENCIES.

(a) SHORT TITLES.—This section may be cited as the ''Securing Allies Food in Emergencies Act'' or the ''SAFE Act''.

(b) STATEMENT OF POLICY.—It is the policy of the United States to respond to the looming global food crisis precipitated by the Russian Federation's brutal, illegal invasion of Ukraine beginning in February 2022, which threatens to destabilize key partners and allies and push millions of people into hunger and poverty, particularly in areas of Africa and the Middle East that are already experiencing emergency levels of food insecurity, by taking immediate action to improve the timeliness and expand the reach of United States international food assistance.

(c) STRATEGY TO AVERT A GLOBAL FOOD CRISIS.—

(1) STRATEGY REQUIREMENT.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development, acting in the capacity of the President's Special Coordinator for International Disaster Assistance pursuant to section 493 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292b), shall develop and submit a strategy to the Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives for averting a catastrophic global food security crisis, particularly in areas of Africa and the Middle East that are already experiencing emergency levels of food insecurity, which has been driven by sharp increases in global prices for staple agricultural commodities, agricultural inputs (including fertilizer), and associated energy costs.

(2) CONSIDERATIONS.—In developing the strategy required under paragraph (1), the Administrator shall consider and incorporate an analysis of—

(A) the impact of the Russian Federation's brutal, illegal war in Ukraine on the cost and availability of staple agricultural commodities and inputs, including fertilizer—

(i) globally;

(ii) in countries that rely upon commercial imports of such commodities and inputs from Ukraine or Russia; and

(iii) in countries that are supported through the United Nations World Food Programme, which heavily relies upon purchases of wheat and pulses from Ukraine and has recently reported a price increase of more than $23,000,000 per month for its wheat purchases;

(B) the correlation between rising food costs and social unrest in areas of strategic importance to the United States, including countries and regions that experienced food riots during the 2007 to 2008 global food price crisis;

(C) the underlying drivers of food insecurity in areas experiencing emergency levels of hunger, including current barriers to food security development programs and humanitarian assistance;

(D) existing United States foreign assistance authorities, programs, and resources that could help avert a catastrophic global food crisis;

(E) recommendations to enhance the efficiency, improve the timeliness, and expand the reach of United States international food assistance programs and resources referred to in subparagraph (D);

(F) opportunities to bolster coordination, catalyze and leverage actions by other donors and through multilateral development banks;

(G) opportunities to better synchronize assistance through well-coordinated development and humanitarian assistance programs within the United States Agency for International Development and alongside other donors;

(H) opportunities to improve supply chain and shipping logistics efficiencies in close collaboration with the private sector;

(I) opportunities for increased cooperation with the Department of State to strengthen diplomatic efforts to resolve global conflicts and overcome barriers to access for life-saving assistance;

(J) opportunities to support continued agricultural production in Ukraine, and the extent to which food produced in Ukraine can be used to meet humanitarian needs locally, regionally, or in countries historically reliant upon imports from Ukraine or Russia; and

(K) opportunities to support and leverage agricultural production in countries and regions currently supported by United States international agricultural development programs, including programs authorized under the Global Food Security Act of 2016 (22 U.S.C. 9301 et seq.), in a manner that—

(i) fills critical gaps in the global supply of emergency food aid commodities;

(ii) enables purchases from small holder farmers by the United Nations World Food Programme;

(iii) enhances resilience to food price shocks;

(iv) promotes self-reliance; and

(v) opens opportunities for United States agricultural trade and investment.

(d) EMERGENCY AUTHORITIES TO EXPAND THE TIMELINESS AND REACH OF UNITED STATES INTERNATIONAL FOOD ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the United States Agency for International Development is authorized to procure life-saving food aid commodities, including commodities available locally and regionally, for the provision of emergency food assistance to the most vulnerable populations in countries and areas experiencing acute food insecurity that has been exacerbated by rising food prices, particularly in countries and areas historically dependent upon imports of wheat and other staple commodities from Ukraine and Russia.

(2) PRIORITIZATION.—

(A) IN GENERAL.—In responding to crises in which emergency food aid commodities are unavailable locally or regionally, or in which the provision of locally or regionally procured agricultural commodities would be unsafe, impractical, or inappropriate, the Administrator should prioritize procurements of United States agricultural commodities, including when exercising authorities under section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292).

(B) LOCAL OR REGIONAL PROCUREMENTS.—In making local or regional procurements of food aid commodities pursuant to paragraph (1), the Administrator, to the extent practicable and appropriate, should prioritize procurements from areas supported through the international agricultural development programs authorized under the Global Food Security Act of 2016 (22 U.S.C. 9301 et seq.) and from Ukraine, for the purpose of promoting economic stability, resilience to price shocks, and early recovery from such shocks in such areas.

(3) DO NO HARM.—In making local or regional procurements of food aid commodities pursuant to paragraph (1), the Administrator shall first conduct market assessments to ensure that such procurements—

(A) will not displace United States agricultural trade and investment; and

(B) will not cause or exacerbate shortages, or otherwise harm local markets, for such commodities within the countries of origin.

(4) EMERGENCY EXCEPTIONS.—

(A) IN GENERAL.—Commodities procured pursuant to paragraph (2) shall be excluded from calculations of gross tonnage for purposes of determining compliance with section 55305(b) of title 46, United States Code.

(B) CONFORMING AMENDMENT.—Section 55305(b) of title 46, United States Code, is amended by striking ''shall'' and inserting ''should''.

(5) EXCLUSION.—The authority under paragraph (1) shall not apply to procurements from the Russian Federation, the People's Republic of China, or any country subject to sanctions under—

(A) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(B) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(C) section 1754(c) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)).

SA 6094. Mr. HAGERTY (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. COMMISSION ON REFORM AND MODERNIZATION OF THE DEPARTMENT OF STATE.

(a) SHORT TITLE.—This section may be cited as the ''Commission on Reform and Modernization of the Department of State Act''.

(b) ESTABLISHMENT OF COMMISSION.—There is established, in the legislative branch, the Commission on Reform and Modernization of the Department of State (referred to in this section as the ''Commission'').

(c) PURPOSES.—The purposes of the Commission are—

(1) to examine the changing nature of diplomacy in the 21st century and the ways in which the Department of State and its personnel can modernize to advance the interests of the United States; and

(2) to offer recommendations to the President and Congress related to—

(A) the organizational structure of the Department of State, including a review of the jurisdictional responsibilities of all of the Department's regional bureaus (the Bureau of African Affairs, the Bureau of East Asian and Pacific Affairs, the Bureau of European and Eurasian Affairs, the Bureau of Near Eastern Affairs, the Bureau of South and Central Asian Affairs, and the Bureau of Western Hemisphere Affairs);

(B) personnel-related matters, including recruitment, promotion, training, and retention of the Department of State's workforce in order to retain the best and brightest personnel and foster effective diplomacy worldwide, including measures to strengthen diversity and inclusion to ensure that the Department's workforce represents all of America;

(C) the Department of State's infrastructure (both domestic and overseas), including infrastructure relating to information technology, transportation, and security;

(D) the link among diplomacy and defense, intelligence, development, commercial, health, law enforcement, and other core United States interests;

(E) core legislation that authorizes United States diplomacy, including the Foreign Service Act of 1980 (Public Law 96–465);

(F) related regulations, rules, and processes that define United States diplomatic efforts, including the Foreign Affairs Manual;

(G) Chief of Mission authority at United States diplomatic missions overseas, including authority over employees of other Federal departments and agencies; and

(H) treaties that impact United States overseas presence.

(d) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) 1 member shall be appointed by the chairperson of the Committee on Foreign Relations of the Senate, who shall serve as co-chair of the Commission;

(B) 1 member shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate, who shall serve as co-chair of the Commission;

(C) 1 member shall be appointed by the chairperson of the Committee on Foreign Affairs of the House of Representatives;

(D) 1 member shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;

(E) 1 member shall be appointed by the majority leader of the Senate;

(F) 1 member shall be appointed by the Speaker of the House of Representatives;

(G) 1 member shall be appointed by the minority leader of the Senate; and

(H) 1 member shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS; MEETINGS.—

(A) MEMBERSHIP.—The members of the Commission should be prominent United States citizens, with national recognition and significant depth of experience in international relations and with the Department of State.

(B) POLITICAL PARTY AFFILIATION.—Not more than 4 members of the Commission may be from the same political party.

(C) MEETINGS.—

(i) INITIAL MEETING.—The Commission shall hold the first meeting and begin operations as soon as practicable.

(ii) FREQUENCY.—The Commission shall meet at the call of the co-chairs.

(iii) QUORUM.—Five members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(D) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(e) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this section. The actions of any such

panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel may not be considered the findings and determinations of the Commission unless such findings and determinations are approved by the Commission.

(3) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(f) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or any panel or member of the Commission, as delegated by the co-chairs, may, for the purpose of carrying out this section—

(A) hold such hearings and meetings, take such testimony, receive such evidence, and administer such oaths as the Commission or such designated subcommittee or designated member considers necessary;

(B) require the attendance and testimony of such witnesses and the production of such correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member considers necessary; and

(C) subject to applicable privacy laws and relevant regulations, secure directly from any Federal department or agency information and data necessary to enable it to carry out its mission, which shall be provided by the head or acting representative of the department or agency not later than 30 days after the Commission provides a written request for such information and data.

(2) CONTRACTS.—The Commission, to such extent and in such amounts as are provided in appropriations Acts, may enter into contracts to enable the Commission to discharge its duties under this section.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) FURNISHING INFORMATION.—Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality, to the extent authorized by law, shall furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by a co-chair, the chair of any panel created by a majority of the Commission, or any member designated by a majority of the Commission.

(C) HANDLING.—Information may only be received, handled, stored, and disseminated by members of the Commission and its staff in accordance with all applicable statutes, regulations, and Executive orders.

(4) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) SECRETARY OF STATE.—The Secretary of State shall provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission's duties under this section.

(B) OTHER DEPARTMENTS AND AGENCIES.—Other Federal departments and agencies may provide the Commission such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(C) COOPERATION.—The Commission shall receive the full and timely cooperation of any official, department, or agency of the Federal Government whose assistance is necessary, as jointly determined by the co-chairs of the Commission, for the fulfillment of the duties of the Commission, including the provision of full and current briefings and analyses.

(5) ASSISTANCE FROM INDEPENDENT ORGANIZATIONS.—

(A) IN GENERAL.—In order to inform its work, the Commission should review reports that were written during the 15-year period ending on the date of the enactment of this Act by independent organizations and outside experts relating to reform and modernization of the Department of State.

(B) AVOIDING DUPLICATION.—In analyzing the reports referred to in subparagraph (A), the Commission should pay particular attention to any specific reform proposals that have been recommended by 2 or more of such reports.

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

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

(8) CONGRESSIONAL CONSULTATION.—Not less frequently than quarterly, the Commission shall provide a briefing to the appropriate congressional committees about the work of the Commission.

(g) STAFF AND COMPENSATION.—

(1) STAFF.—

(A) COMPENSATION.—The co-chairs of the Commission, in accordance with rules established by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The co-chairs of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(2) COMMISSION MEMBERS.—

(A) COMPENSATION.—

(i) IN GENERAL.—Except as provided in paragraph (2), each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission under this section.

(ii) WAIVER OF CERTAIN PROVISIONS.—Subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) are waived for an annuitant on a temporary basis so as to be compensated for work performed as part of the Commission.

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

(4) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided access to classified information under this section without the appropriate security clearances.

(h) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit a final report to the President and to Congress that—

(A) examines all substantive aspects of Department of State personnel, management, and operations; and

(B) contains such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(2) ELEMENTS.—The report required under paragraph (1) shall include findings, conclusions, and recommendations related to—

(A) the organizational structure of the Department of State, including recommendations on whether any of the jurisdictional responsibilities among the bureaus referred to in subsection (c)(2)(A) should be adjusted, with particular focus on the opportunities and costs of adjusting jurisdictional responsibility between the Bureau of Near Eastern Affairs to the Bureau of African Affairs, the Bureau of East Asian and Pacific Affairs, the Bureau of South and Central Asian Affairs, and any other bureaus as may be necessary to advance United States efforts to strengthen its diplomatic engagement in the Indo-Pacific region;

(B) personnel-related matters, including recruitment, promotion, training, and retention of the Department of State's workforce in order to retain the best and brightest personnel and foster effective diplomacy worldwide, including measures to strengthen diversity and inclusion to ensure that the Department's workforce represents all of America;

(C) the Department of State's infrastructure (both domestic and overseas), including infrastructure relating to information technology, transportation, and security;

(D) the link between diplomacy and defense, intelligence, development, commercial, health, law enforcement, and other core United States interests;

(E) core legislation that authorizes United States diplomacy;

(F) related regulations, rules, and processes that define United States diplomatic efforts, including the Foreign Affairs Manual;

(G) treaties that impact United States overseas presence;

(H) the authority of Chiefs of Mission at United States diplomatic missions overseas, including the degree of authority that Chiefs of Mission exercise in reality over Department of State employees and other Federal employees at overseas posts;

(I) any other areas that the Commission considers necessary for a complete appraisal of United States diplomacy and Department of State management and operations; and

(J) the amount of time, manpower, and financial resources that would be necessary to implement the recommendations specified under this paragraph.

(3) DEPARTMENT OF STATE RESPONSE.—The Secretary of State shall have the right to review and respond to all Commission recommendations—

(A) before the Commission submits its report to the President and to Congress; and

(B) not later than 90 days after receiving such recommendations from the Commission.

(i) TERMINATION OF COMMISSION.—

(1) IN GENERAL.—The Commission, and all the authorities under this section, shall terminate on the date that is 60 days after the date on which the final report is submitted pursuant to subsection (h).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the report.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this section $2,000,000 for fiscal year 2023.

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until the date on which the Commission is terminated pursuant to subsection (i)(1).

(k) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) FREEDOM OF INFORMATION ACT.—The provisions of section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'') shall not apply to the activities, records, and proceedings of the Commission.

SA 6095. Mr. HAGERTY (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. FOREIGN AFFAIRS TRAINING.

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

(1) the Department of State is a crucial national security agency, whose employees, both Foreign Service and Civil Service, require the best possible training and professional development at every stage of their careers to prepare them to promote and defend United States national interests and the health and safety of United States citizens abroad;

(2) the Department of State faces increasingly complex and rapidly evolving challenges, many of which are science- and technology-driven, and which demand continual, high-quality training and professional development of its personnel;

(3) the new and evolving challenges of national security in the 21st century necessitate the expansion of standardized training and professional development opportunities linked to equitable, accountable, and transparent promotion and leadership practices for Department of State and other national security agency personnel; and

(4) consistent with gift acceptance authority of the Department of State and other applicable laws in effect as of the date of the enactment of this Act, the Department and the Foreign Service Institute may accept funds and other resources from foundations, not-for-profit corporations, and other appropriate sources to help the Department and the Institute enhance the quantity and quality of training and professional development offerings, especially in the introduction of new, innovative, and pilot model courses.

(b) DEFINED TERM.—In this section, the term ''appropriate committees of Congress'' 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.

(c) TRAINING AND PROFESSIONAL DEVELOPMENT PRIORITIZATION.—In order to provide the Civil Service of the Department of State and the Foreign Service with the level of professional development and training needed to effectively advance United States interests across the world, the Secretary of State shall—

(1) increase relevant offerings provided by the Department of State—

(A) of interactive virtual instruction to make training and professional development more accessible and useful to personnel deployed throughout the world; or

(B) at partner organizations, including universities, industry entities, and nongovernmental organizations, throughout the United States to provide useful outside perspectives to Department of State personnel by providing such personnel—

(i) a more comprehensive outlook on different sectors of United States society; and

(ii) practical experience dealing with commercial corporations, universities, labor unions, and other institutions critical to United States diplomatic success;

(2) offer courses using computer-based or computer-assisted simulations, allowing civilian officers to lead decision making in a crisis environment, and encourage officers of the Department of State, and reciprocally, officers of other Federal departments to participate in similar exercises held by the Department or other government organizations and the private sector;

(3) increase the duration and expand the focus of certain training and professional development courses, including by extending—

(A) the A–100 entry-level course to as long as 12 weeks, which better matches the length of entry-level training and professional development provided to the officers in other national security departments and agencies; and

(B) the Chief of Mission course to as long as 6 weeks for first time Chiefs of Mission and creating comparable courses for new Assistant Secretaries and Deputy Assistant Secretaries to more accurately reflect the significant responsibilities accompanying such roles; and

(4) ensure that Foreign Service officers who are assigned to a country experiencing significant population displacement due to the impacts of climatic and non-climatic shocks and stresses, including rising sea levels and lack of access to affordable and reliable energy and electricity, receive specific instruction on United States policy with respect to resiliency and adaptation to such climatic and non-climatic shocks and stresses.

(d) FELLOWSHIPS.—The Director General of the Foreign Service shall—

(1) expand and establish new fellowship programs for Foreign Service and Civil Service officers that include short- and long-term opportunities at organizations, including—

(A) think tanks and nongovernmental organizations;

(B) the Department of Defense, the elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), and other relevant Federal agencies;

(C) industry entities, especially such entities related to technology, global operations, finance, and other fields directly relevant to international affairs; and

(D) schools of international relations and other relevant programs at universities throughout the United States; and

(2) not later than 180 days after the date of the enactment of this Act, submit a report to Congress that describes how the Department of State could expand the Pearson Fellows Program for Foreign Service Officers and the Brookings Fellow Program for Civil Servants to provide fellows in such programs with the opportunity to undertake a follow-on assignment within the Department in an office in which fellows will gain practical knowledge of the people and processes of Congress, including offices other than the Legislative Affairs Bureau, including—

(A) an assessment of the current state of congressional fellowships, including the demand for fellowships and the value the fellowships provide to both the career of the officer and to the Department of State; and

(B) an assessment of the options for making congressional fellowships for both the Foreign and Civil Services more career-enhancing.

(e) BOARD OF VISITORS OF THE FOREIGN SERVICE INSTITUTE.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall establish a Board of Visitors of the Foreign Service Institute (referred to in this subsection as the ''Board'').

(2) DUTIES.—The Board shall provide the Secretary of State with independent advice and recommendations regarding organizational management, strategic planning, resource management, curriculum development, and other matters of interest to the Foreign Service Institute, including regular observations about how well the Department of State is integrating training and professional development into the work of the Bureau for Global Talent Management.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall be—

(i) nonpartisan; and

(ii) composed of 12 members, of whom—

(I) 2 members shall be appointed by the Chairperson of the Committee on Foreign Relations of the Senate;

(II) 2 members shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(III) 2 members shall be appointed by the Chairperson of the Committee on Foreign Affairs of the House of Representatives;

(IV) 2 members shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives; and

(V) 4 members shall be appointed by the Secretary of State.

(B) QUALIFICATIONS.—Members of the Board shall be appointed from among individuals who—

(i) are not officers or employees of the Federal Government; and

(ii) are eminent authorities in the fields of diplomacy, national security, management, leadership, economics, trade, technology, or advanced international relations education.

(C) OUTSIDE EXPERTISE.—

(i) IN GENERAL.—Not fewer than 6 members of the Board shall have a minimum of 10

years of relevant expertise outside the field of diplomacy.

(ii) PRIOR SENIOR SERVICE AT THE DEPARTMENT OF STATE.—Not more than 6 members of the Board may be persons who previously served in the Senior Foreign Service or the Senior Executive Service at the Department of State.

(4) TERMS.—Each member of the Board shall be appointed for a term of 3 years, except that of the members first appointed—

(A) 4 members shall be appointed for a term of 3 years;

(B) 4 members shall be appointed for a term of 2 years; and

(C) 4 members shall be appointed for a term of 1 year.

(5) REAPPOINTMENT; REPLACEMENT.—A member of the Board may be reappointed or replaced at the discretion of the official who made the original appointment.

(6) CHAIRPERSON; CO-CHAIRPERSON.—

(A) APPROVAL.—The Chairperson and Vice Chairperson of the Board shall be approved by the Secretary of State based upon a recommendation from the members of the Board.

(B) SERVICE.—The Chairperson and Vice Chairperson shall serve at the discretion of the Secretary of State.

(7) MEETINGS.—The Board shall meet—

(A) at the call of the Director of the Foreign Service Institute and the Chairperson; and

(B) not fewer than 2 times per year.

(8) COMPENSATION.—Each member of the Board shall serve without compensation, except that a member of the Board 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 service for the Board. Notwithstanding section 1342 of title 31, United States Code, the Secretary of State may accept the voluntary and uncompensated service of members of the Board.

(9) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board established under this subsection.

(f) ESTABLISHMENT OF PROVOST OF THE FOREIGN SERVICE INSTITUTE.—

(1) ESTABLISHMENT.—There is established in the Foreign Service Institute the position of Provost.

(2) APPOINTMENT; REPORTING.—The Provost shall—

(A) be appointed by the Secretary of State; and

(B) report to the Director of the Foreign Service Institute.

(3) QUALIFICATIONS.—The Provost shall be—

(A) an eminent authority in the field of diplomacy, national security, education, management, leadership, economics, history, trade, adult education, or technology; and

(B) a person with significant experience outside the Department of State, whether in other national security agencies or in the private sector, and preferably in positions of authority in educational institutions or the field of professional development and mid-career training with oversight for the evaluation of academic programs.

(4) DUTIES.—The Provost shall—

(A) oversee, review, evaluate, and coordinate the academic curriculum for all courses taught and administered by the Foreign Service Institute;

(B) coordinate the development of an evaluation system to ascertain how well participants in Foreign Service Institute courses have absorbed and utilized the information, ideas, and skills imparted by each such course, such that performance assessments can be included in the personnel records maintained by the Bureau of Global Talent Management and utilized in Foreign Service Selection Boards, which may include—

(i) the implementation of a letter or numerical grading system; and

(ii) assessments done after the course has concluded; and

(C) report not less frequently than quarterly to the Board of Visitors regarding the development of curriculum and the performance of Foreign Service officers.

(5) TERM.—The Provost shall serve for a term of not fewer than 5 years and may be reappointed for 1 additional 5-year term.

(6) COMPENSATION.—The Provost shall receive a salary commensurate with the rank and experience of a member of the Senior Foreign Service or the Senior Executive Service, as determined by the Secretary of State.

(g) OTHER AGENCY RESPONSIBILITIES AND OPPORTUNITIES FOR CONGRESSIONAL STAFF.—

(1) OTHER AGENCIES.—National security agencies other than the Department of State should be afforded the ability to increase the enrollment of their personnel in courses at the Foreign Service Institute and other training and professional development facilities of the Department to promote a whole-of-government approach to mitigating national security challenges.

(2) CONGRESSIONAL STAFF.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate committees of Congress that describes—

(A) the training and professional development opportunities at the Foreign Service Institute and other Department of State facilities available to congressional staff;

(B) the budget impacts of offering such opportunities to congressional staff; and

(C) potential course offerings.

(h) STRATEGY FOR ADAPTING TRAINING REQUIREMENTS FOR MODERN DIPLOMATIC NEEDS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall develop and submit to the appropriate committees of Congress a strategy for adapting and evolving training requirements to better meet the Department of State's current and future needs for 21st century diplomacy.

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

(A) Integrating training requirements into the Department of State's promotion policies, including establishing educational and professional development standards for training and attainment to be used as a part of tenure and promotion guidelines.

(B) Addressing multiple existing and emerging national security challenges, including—

(i) democratic backsliding and authoritarianism;

(ii) countering, and assisting United States allies to address, state-sponsored disinformation, including through the Global Engagement Center;

(iii) cyber threats;

(iv) the aggression and malign influence of Russia, Cuba, Iran, North Korea, the Maduro Regime, and the Chinese Communist Party's multi-faceted and comprehensive challenge to the rules-based order;

(v) the implications of climate change for United States diplomacy; and

(vi) nuclear threats.

(C) An examination of the likely advantages and disadvantages of establishing residential training for the A–100 orientation course administered by the Foreign Service Institute and evaluating the feasibility of residential training for other long-term training opportunities.

(D) An examination of the likely advantages and disadvantages of establishing a press freedom curriculum for the National Foreign Affairs Training Center that enables Foreign Service officers to better understand issues of press freedom and the tools that are available to help protect journalists and promote freedom of the press norms, which may include—

(i) the historic and current issues facing press freedom, including countries of specific concern;

(ii) the Department of State's role in promoting press freedom as an American value, a human rights issue, and a national security imperative;

(iii) ways to incorporate press freedom promotion into other aspects of diplomacy; and

(iv) existing tools to assist journalists in distress and methods for engaging foreign governments and institutions on behalf of individuals engaged in journalistic activity who are at risk of harm.

(E) The expansion of external courses offered by the Foreign Service Institute at academic institutions or professional associations on specific topics, including in-person and virtual courses on monitoring and evaluation, audience analysis, and the use of emerging technologies in diplomacy.

(3) UTILIZATION OF EXISTING RESOURCES.—In examining the advantages and disadvantages of establishing a residential training program pursuant to paragraph (2)(C), the Secretary of State shall—

(A) collaborate with other national security departments and agencies that employ residential training for their orientation courses; and

(B) consider using the Department of State's Foreign Affairs Security Training Center in Blackstone, Virginia.

(i) REPORT AND BRIEFING REQUIREMENTS.—

(1) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate committees of Congress that includes—

(A) a strategy for broadening and deepening professional development and training at the Department of State, including assessing current and future needs for 21st century diplomacy;

(B) the process used and resources needed to implement the strategy referred to in subparagraph (A) throughout the Department of State; and

(C) the results and impact of the strategy on the workforce of the Department of State, particularly the relationship between professional development and training and promotions for Department personnel, and the measurement and evaluation methods used to evaluate such results.

(2) BRIEFING.—Not later than 1 year after the date on which the Secretary of State submits the report required under paragraph (1), and annually thereafter for 2 years, the Secretary shall provide to the appropriate committees of Congress a briefing on the information required to be included in the report.

(j) FOREIGN LANGUAGE MAINTENANCE INCENTIVE PROGRAM.—

(1) AUTHORIZATION.—The Secretary of State is authorized to establish and implement an incentive program, with a similar structure as the Foreign Language Proficiency Bonus offered by the Department of Defense, to encourage members of the Foreign Service who possess language proficiency in any of the languages that qualify for additional incentive pay, as determined by the Secretary, to maintain critical foreign language skills.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate committees of Congress that includes a detailed plan for implementing the program authorized under paragraph (1), including anticipated resource requirements to carry out such program.

(k) DEPARTMENT OF STATE WORKFORCE MANAGEMENT.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that informed, data-driven, and long-term workforce management, including with respect to the Foreign Service, the Civil Service, locally employed staff, and contractors, is needed to align diplomatic priorities with the appropriate personnel and resources.

(2) ANNUAL WORKFORCE REPORT.—

(A) IN GENERAL.—In order to understand the Department of State's long-term trends with respect to its workforce, the Secretary of State, is consultation with relevant bureaus and offices, including the Bureau of Global Talent Management and the Center for Analytics, shall submit a report to the appropriate committees of Congress that details the Department's workforce, disaggregated by Foreign Service, Civil Service, locally employed staff, and contractors, including, with respect to the reporting period—

(i) the number of personnel who were hired;

(ii) the number of personnel whose employment or contract was terminated or who voluntarily left the Department of State;

(iii) the number of personnel who were promoted, including the grade to which they were promoted;

(iv) the demographic breakdown of personnel; and

(v) the distribution of the Department of State's workforce based on domestic and overseas assignments, including a breakdown of the number of personnel in geographic and functional bureaus, and the number of personnel in overseas missions by region.

(B) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit the report described in subparagraph (A) for each of the fiscal years 2016 through 2022.

(C) RECURRING REPORT.—Not later than December 31, 2023, and annually thereafter for the following 5 years, the Secretary of State shall submit the report described in subparagraph (A) for the most recently concluded fiscal year.

(D) USE OF REPORT DATA.—The data in each of the reports required under this paragraph shall be used by Congress, in coordination with the Secretary of State, to inform recommendations on the appropriate size and composition of the Department of State.

(l) SENSE OF CONGRESS ON THE IMPORTANCE OF FILLING THE POSITION OF UNDER SECRETARY FOR PUBLIC DIPLOMACY AND PUBLIC AFFAIRS.—It is the sense of Congress that since a vacancy in the position of Under Secretary for Public Diplomacy and Public Affairs is detrimental to the national security interests of the United States, the President should expeditiously nominate a qualified individual to such position whenever such vacancy occurs to ensure that the bureaus reporting to such position are able to fulfill their mission of—

(1) expanding and strengthening relationships between the people of the United States and citizens of other countries; and

(2) engaging, informing, and understanding the perspectives of foreign audiences.

(m) REPORT ON PUBLIC DIPLOMACY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate committees of Congress that includes—

(1) an evaluation of the May 2019 merger of the Bureau of Public Affairs and the Bureau of International Information Programs into the Bureau of Global Public Affairs with respect to—

(A) the efficacy of the current configuration of the bureaus reporting to the Under Secretary for Public Diplomacy and Public Affairs in achieving the mission of the Department of State;

(B) the metrics before and after such merger, including personnel data, disaggregated by position and location, content production, opinion polling, program evaluations, and media appearances;

(C) the results of a survey of public diplomacy practitioners to determine their opinion of the efficacy of such merger and any adjustments that still need to be made;

(D) a plan for evaluating and monitoring, not less frequently than once every 2 years, the programs, activities, messaging, professional development efforts, and structure of the Bureau of Global Public Affairs, and submitting a summary of each such evaluation to the appropriate committees of Congress; and

(2) a review of recent outside recommendations for modernizing diplomacy at the Department of State with respect to public diplomacy efforts, including—

(A) efforts in each of the bureaus reporting to the Under Secretary for Public Diplomacy and Public Affairs to address issues of diversity and inclusion in their work, structure, data collection, programming, and personnel, including any collaboration with the Chief Officer for Diversity and Inclusion;

(B) proposals to collaborate with think tanks and academic institutions working on public diplomacy issues to implement recent outside recommendations; and

(C) additional authorizations and appropriations necessary to implement such recommendations.

SA 6096. 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 G of title X, add the following:

SEC. 1077. EXCLUSION OF CERTAIN PAYMENTS TO ALASKA NATIVES OR DESCENDANTS OF ALASKA NATIVES FOR PURPOSES OF DETERMINING ELIGIBILITY FOR CERTAIN PROGRAMS.

Section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)) is amended, in the undesignated matter following paragraph (3), by striking subparagraph (E) and inserting the following:

''(E) an interest in a Settlement Trust or an amount distributed from or benefit provided by a Settlement Trust to a Native or descendant of a Native who is an aged, blind, or disabled individual (as defined in section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a)).''.

SA 6097. 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 G of title X, add the following:

SEC. 1077. MAKING ADDITIONAL LAND AVAILABLE FOR SELECTION UNDER THE ALASKA NATIVE VIETNAM ERA VETERANS LAND ALLOTMENT PROGRAM.

All Federal land identified as suitable for allotment selection in the report under subsection (c)(1) of section 1119 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (43 U.S.C. 1629g–1), and published by the United States Fish and Wildlife Service in the report entitled ''Identification of National Wildlife Refuge System Lands in Alaska That Should Be Made Available for Allotment Selection by Eligible Alaska Native Vietnam Era Veterans'' (November 2020), shall be made immediately available for selection in accordance with that section.

SA 6098. Ms. MURKOWSKI (for herself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. PROGRAMS FOR FETAL ALCOHOL SPECTRUM DISORDERS.

(a) IN GENERAL.—Part O of title III of the Public Health Service Act (42 U.S.C. 280f et seq.) is amended by striking section 399H and inserting the following:

''SEC. 399H. PROGRAMS FOR FETAL ALCOHOL SPECTRUM DISORDERS.

''(a) DEFINITION.—In this part—

''(1) the term 'fetal alcohol spectrum disorders' or 'FASD' means diagnosable developmental disabilities of a broad range of neurodevelopmental and physical effects that result from prenatal exposure to alcohol. The effects may include lifelong physical, mental, behavioral, social and learning disabilities, and other problems that impact daily functioning (such as living independently or holding a job), as well as overall health and well-being; and

''(2) the terms 'Indian Tribe' and 'Tribal organization' have the meanings given the terms 'Indian tribe' and 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act.

''(b) RESEARCH ON FETAL ALCOHOL SPECTRUM DISORDERS AND RELATED CONDITIONS.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall—

''(A) establish a research program for FASD; and

''(B) award grants, contracts, or cooperative agreements to public or private nonprofit entities to pay all or part of carrying out research under such research program.

''(2) TYPES OF RESEARCH.—In carrying out paragraph (1), the Secretary, acting through

the Director of the National Institute on Alcohol Abuse and Alcoholism (referred to in this section as the 'Director of the Institute'), shall continue to conduct and expand national and international research in consultation with other Federal agencies and outside partners that includes—

''(A) the most promising avenues of research in FASD diagnosis, intervention, and prevention;

''(B) factors that may mitigate the effects of prenatal alcohol and other substance exposure including culturally relevant factors and social determinants of health; and

''(C) other research that the Director of the Institute determines to be appropriate with respect to conditions that develop as a result of prenatal alcohol and other substance exposure.

''(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated $30,000,000 for each of fiscal years 2023 through 2028.

''(c) SURVEILLANCE, PUBLIC HEALTH RESEARCH, AND PREVENTION ACTIVITIES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Center on Birth Defects and Developmental Disabilities of the Centers for Disease Control and Prevention, shall facilitate surveillance, public health research, and prevention of FASD in accordance with this subsection.

''(2) SURVEILLANCE, PUBLIC HEALTH RESEARCH AND PREVENTION.—In carrying out this subsection, the Secretary shall—

''(A) integrate into surveillance practice an evidence-based standard case definition for fetal alcohol syndrome and, in collaboration with other Federal and outside partners, support organizations of appropriate medical and mental health professionals in their development and refinement of evidence-based clinical diagnostic guidelines and criteria for all fetal alcohol spectrum disorders;

''(B) disseminate and provide the necessary training and support to appropriate medical and mental health professionals on the early identification of children with prenatal alcohol or other substance exposure as such children may require ongoing developmental and behavioral surveillance by their primary health care clinician which continues throughout their lifetime to access ongoing treatment and referral problems;

''(C) support applied public health prevention research to identify culturally-appropriate or evidence-based strategies for reducing alcohol and other substance exposed pregnancies in women at high risk of such pregnancies;

''(D) disseminate and provide the necessary training and support to implement culturally-appropriate or evidence-based strategies developed under subparagraph (C) to—

''(i) hospitals, Federally-qualified health centers, residential and outpatient substance disorder treatment programs, and other appropriate health care providers;

''(ii) educational settings;

''(iii) social work and child protection service providers;

''(iv) foster care providers and adoption agencies;

''(v) State or Tribal offices and other agencies providing services to individuals with disabilities;

''(vi) mental health treatment facilities;

''(vii) Indian Tribes and Tribal organizations;

''(viii) military medical treatment facility described in section 1073d(c) of title 10, United States Code, and medical centers of the Department of Veterans Affairs; and

''(ix) other entities that the Secretary determines to be appropriate;

''(E) conduct activities related to risk factor surveillance;

''(F) disseminate and evaluate brief behavioral intervention strategies and referrals aimed at preventing alcohol and substance-exposed pregnancies among women of childbearing age in special settings, including clinical primary health centers, outpatient clinics, child welfare agencies, and correctional facilities and recovery campuses;

''(G) document the FASD lived experience and incorporate the perspectives of individuals and their family members affected by FASD and birth mothers of individuals with FASD in the dissemination of information and resources;

''(H) disseminate comprehensive alcohol and pregnancy and FASD information, resources, and services to families and caregivers, professionals, and the public through an established national network of affiliated FASD organizations and through organizations serving medical, behavioral health, addiction, disability, education, legal and other professionals; and

''(I) coordinate FASD activities with affiliated State, Tribal and local systems and organizations with respect to the prevention of alcohol and other substance-exposed pregnancies.

''(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated $13,000,000 for each of fiscal years 2023 through 2028.

''(d) BUILDING STATE AND TRIBAL FASD SYSTEMS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants, contracts, or cooperative agreements to States and Indian Tribes for the purpose of establishing ongoing comprehensive and coordinated State and Tribal FASD multidisciplinary, diverse coalitions to—

''(A) develop systems of care for—

''(i) the prevention of FASD and other adverse conditions as a result of prenatal substance exposure; and

''(ii) the identification, treatment and support of individuals with FASD or other adverse conditions from prenatal substance exposure and support for their families;

''(B) provide leadership and support in establishing, expanding or increasing State and Tribal systems capacity in addressing FASD and other adverse conditions as a result of prenatal substance exposure; and

''(C) update or develop implementing and evaluating State and Tribal FASD strategic plans to—

''(i) establish or expand State and Tribal programs of surveillance, screening, assessment, diagnosis, prevention of FASD and other physical or neurodevelopmental disabilities from prenatal substance exposure;

''(ii) integrate programs related to prevention of FASD and interventions addressing the adverse effects of prenatal alcohol and other substance exposure into existing State and Tribal coordinated systems of care which focus on the social determinants of health, including systemic racism, access to the Medicare program under title XVIII of the Social Security Act or to the Medicaid program under title XIX of such Act, maternal and early childhood health, economic security, food and housing, education, justice and corrections, mental health, substance use disorder, child welfare, developmental disabilities, and health care;

''(iii) identify across-the-lifetime issues for individuals and families related to FASD and other adverse conditions related to prenatal substance exposure, including historical and cultural trauma, child abuse and neglect, mental health and substance use disorder; and

''(iv) identify systemic and other barriers to the integration of prenatal alcohol and substance exposure screening, assessment and identification of FASD into existing systems of care for individuals and families.

''(2) ELIGIBILITY.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1), a State, an Indian Tribe, a Tribal organization, or a State-Tribal collaborative (referred to in this paragraph as an 'eligible entity') shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) evidence that the eligible entity designated in the application have or will have authority to implement programs described in this subsection;

''(B) evidence of the establishment of a State or Tribal FASD Advisory Group of State agencies or Tribal entities and, if available, a State affiliate of the National Organization on Fetal Alcohol Syndrome or similar Tribal or statewide FASD advocacy organization, to provide the leadership in building State or Tribal capacity in addressing prenatal alcohol and other substance exposure, including FASD prevention, identification, and intervention activities and programming, including—

''(i) the formation of a FASD advisory coalition of diverse, public and private representatives from multiple disciplines that may include—

''(I) State agencies or Tribal entities that are responsible for health, human services, corrections, education, housing, developmental disabilities, substance use disorder, child welfare, juvenile and adult justice systems, mental health and any other agency related to the adverse social impact of prenatal alcohol and other substance exposures;

''(II) public and private sector stakeholders, including individuals with FASD and their caretakers and entities that work with or provide services or support for individuals with FASD and their families, such as community-based agencies,law enforcement, the judiciary, probation officers, medical and mental health providers, substance use disorder counselors, educators, child welfare professionals, and other entities that address individual, family, community and society issues related to prenatal alcohol and other substance exposure throughout an individual's lifespan; and

''(ii) the development of a State or Tribal strategic plan that—

''(I) contains recommendations, action steps, and deliverables for improving social determinants of health;

''(II) recommends actions for prevention of FASD and other conditions related to prenatal substance exposure;

''(III) integrates culturally-appropriate, best practices or evidence-based practices on screening, identification and treatment into existing systems of care;

''(IV) provides for FASD-informed clinical and therapeutic interventions;

''(V) provides for FASD-informed supports and services for families and individuals with FASD and other conditions from prenatal substance exposure across their lifetimes;

''(VI) identifies—

''(aa) existing FASD or other programs related to prenatal substance exposures in the State or Indian Tribe, including—

''(AA) FASD primary, secondary and tertiary prevention programs;

''(BB) prenatal screening, assessment or diagnostic services; and

''(CC) support and service programs for individuals with FASD and their families; and

''(bb) existing State, local, and Tribal programs, systems, and funding streams that could be used to identify and assist individuals with FASD and other conditions related

to substance exposed pregnancies, and prevent prenatal exposure to alcohol and other harmful substances;

''(cc) barriers to providing FASD diagnostic services or programs to assist individuals with FASD or reducing alcohol and substance exposed pregnancies for women at risk for alcohol or other substance exposed pregnancies, and recommendations to reduce or eliminate such barriers;

''(dd) barriers to FASD prevention, screening, assessment, identification, and treatment programs and to the provision of FASD-informed support services and accommodations across the lifespan, and recommendations to reduce or eliminate such barriers;

''(VII) integrates a public-private partnership of State, Tribal, and local communities to develop a comprehensive FASD-informed and engaged systems of care approach that addresses social determinants of health, including systemic racism on health outcomes, economic security, food and housing; education, justice, and health care challenges experienced by individuals who have been diagnosed with FASD or other conditions as result of prenatal substance exposure;

''(VIII) describes programs of surveillance, screening, assessment and diagnosis, prevention, clinical intervention and therapeutic and other supports and services for individuals with FASD and their families;

''(IX) recognizes the impact of historical, cultural, and other trauma of individuals in the design and application of all programming; and

''(X) recognizes the lived experiences of birth mothers and those with FASD and their families in the design and application of all programming.

''(3) RESTRICTIONS ON AND USE OF FUNDS.—Amounts received under a grant, contract, or cooperative agreement under this subsection shall be used for one or more of the following activities:

''(A) Establishing or increasing diagnostic capacity in the State or Indian Tribe to meet the estimated prevalence needs of the State or Indian Tribe's FASD population.

''(B) Providing educational and supportive services to individuals with FASD and other conditions related to prenatal substance exposure and their families.

''(C) Establishing a FASD statewide surveillance system.

''(D) Including FASD information in State medical and mental health care and education programs at schools of higher education.

''(E) Collecting, analyzing, and interpreting data.

''(F) Replicating culturally-aware or best practice FASD prevention programs, including case-management models for pregnant or parenting women with alcohol and other substance use disorders.

''(G) Training of primary care and other providers in screening for prenatal alcohol and other substance exposure in prenatal, pediatric, early childhood or other child or teenage checkup settings.

''(H) Developing, implementing, and evaluating population-based and targeted prevention programs for FASD, including public awareness campaigns.

''(I) Increasing capacity of the State or Indian Tribe to deliver housing, economic and food security services to adults impacted by FASD or other conditions related to prenatal substance exposure.

''(J) Referring individuals with FASD and other conditions related to prenatal substance exposure to appropriate FASD-informed support services.

''(K) Providing for State and Tribal FASD coordinators.

''(L) Providing training to health care (including mental health care) providers on the prevention, identification and treatment of FASD and other conditions related to prenatal substance exposure across the lifespan.

''(M) Providing training to education, justice, and social service system professionals to become FASD-informed and FASD-engaged in their practices.

''(N) Including FASD in training for workforce development and disability accessibility.

''(O) Supporting peer-to-peer certification programs for individuals with FASD.

''(P) Developing FASD-informed certification programs.

''(Q) Disseminating information about FASD and other conditions related to prenatal substance exposure and the availability of support services to families and individuals with FASD and other adverse conditions related to prenatal substance exposure.

''(R) Implementing recommendations from relevant agencies and organizations, including the State or Tribal FASD advisory group, on the identification and prevention of FASD, intervention programs or services for individuals with FASD and their families.

''(S) Other activities, as the Secretary determines appropriate or as recommended by the National Advisory Council on FASD under section 399H–1.

''(4) OTHER CONTRACTS AND AGREEMENTS.—A State may carry out activities under paragraph (3) through contracts or cooperative agreements with another State or an Indian Tribe, and with public, private for-profit or nonprofit entities with a demonstrated expertise in FASD and other conditions related to prenatal substance exposure prevention, screening and diagnosis, or intervention services.

''(5) REPORT TO CONGRESS.—Not later than 2 years after the date on which amounts are first appropriated under paragraph (6), the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that contains a description of programs carried out under this section. At a minimum, the report shall contain—

''(A) information concerning the number of States receiving grants;

''(B) State and Tribal FASD diagnostic capacity and barriers to achieving diagnostic capacity based on State FASD surveillance data or the most recent estimated prevalence of FASD in the United States;

''(C) information concerning systemic or other barriers to screening for prenatal alcohol and other substance exposure in existing systems of care, including—

''(i) the child welfare system;

''(ii) maternal and early child health care and alcohol and other substance use disorder treatment programs;

''(iii) primary or secondary education systems; and

''(iv) juvenile and adult systems of justice;

''(D) information concerning existing State, Tribal, local government or community programs and systems of care and funding streams that could be used to identify and assist individuals with FASD and other conditions related to substance exposed pregnancies and the degree to which such programs are FASD-informed or to which there are systemic or other barriers preventing their use; and

''(E) information concerning existing State, Tribal, local government or community primary, tertiary, or secondary prevention programs on prenatal exposure to alcohol and other harmful prenatal substances.

''(6) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—To carry out this subsection, there is authorized to be appropriated $32,000,000 for each of fiscal years 2023 through 2028.

''(B) ADMINISTRATIVE AND EMPLOYMENT EXPENSES.—Of the amount appropriated for a fiscal year under subparagraph (A), $12,000,000 shall be allocated to States and Indian Tribes for purposes of covering administrative costs and supporting the employment of FASD State and Tribal coordinators.

''(C) TRIBAL SET ASIDE.—Up to 20 percent of the grants, contracts, or cooperative agreements awarded under this subsection shall be reserved for Indian Tribes and Tribal organizations.

''(e) PROMOTING COMMUNITY PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of Health Resources and Services Administration, shall award grants, contracts, or cooperative agreements to eligible entities to enable such entities to establish, enhance, or improve community partnerships for the purpose of collaborating on common objectives and integrating culturally-appropriate best practice services available to individuals with FASD and other conditions related to prenatal substance exposure such as surveillance, screening, assessment, diagnosis, prevention, treatment, and support services.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1), an entity shall—

''(A) be a public or private nonprofit entity that is—

''(i) a health care provider or health professional;

''(ii) a primary or secondary school;

''(iii) a social work or child protection service provider;

''(iv) an incarceration facility, or State or local judicial system for juveniles and adults;

''(v) an FASD organization, parent-led group, or other organization that supports and advocates for individuals with FASD and their families;

''(vi) an Indian Tribe or Tribal organization;

''(vii) an early childhood intervention facility;

''(viii) any other entity the Secretary determines to be appropriate; or

''(ix) a consortium of any of the entities described in clauses (i) through (viii); and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the entity submitting the application does, at the time of application, or will, within a reasonable amount of time from the date of application, provide evidence of substantive participation with a broad range of entities that work with or provide services for individuals with FASD.

''(3) ACTIVITIES.—An eligible entity shall use amounts received under a grant, contract, or cooperative agreement under this subsection to carry out one or more of the following activities relating to FASD and other conditions related to prenatal substance exposure:

''(A) Integrating FASD-informed and culturally-appropriate practices into existing programs and services available in the community.

''(B) Conducting a needs assessment to identify services that are not available in a community.

''(C) Developing and implementing culturally-appropriate, community-based initiatives to prevent FASD, and to screen, assess, diagnose, treat, and provide FASD-informed support services to individuals with FASD and their families.

''(D) Disseminating information about FASD and the availability of support services.

''(E) Developing and implementing a community-wide public awareness and outreach campaign focusing on the dangers of drinking alcohol while pregnant.

''(F) Providing mentoring or other support to individuals with FASD and their families.

''(G) Other activities, as the Secretary determines appropriate, or in consideration of recommendations from the National Advisory Council on FASD established under section 399H–1.

''(4) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated $5,000,000 for each of fiscal years 2023 through 2028.

''(f) DEVELOPMENT OF BEST PRACTICES AND MODELS OF CARE.—

''(1) IN GENERAL.—The Secretary, in coordination with the Administrator of Health Resources and Services Administration, shall award grants to States, Indian Tribes and Tribal organizations, nongovernmental organizations, and institutions of higher education for the establishment of pilot projects to identify and implement culturally-appropriate best practices for—

''(A) providing intervention and education of children with FASD, including—

''(i) activities and programs designed specifically for the identification, treatment, and education of such children; and

''(ii) curricula development and credentialing of teachers, administrators, and social workers who implement such programs and provide childhood interventions;

''(B) educating professionals within the child welfare, juvenile and adult criminal justice systems, including judges, attorneys, probation officers, social workers, child advocates, medical and mental health professionals, substance abuse professionals, law enforcement officers, prison wardens or other incarceration administrators, and administrators of developmental disability, mental health and alternative incarceration facilities on how to screen, assess, identify, treat and support individuals with FASD or similar conditions related to prenatal substance exposure within these systems, including—

''(i) programs designed specifically for the identification, assessment, treatment, and education of individuals with FASD; and

''(ii) curricula development and credentialing within the adult and juvenile justice and child welfare systems for individuals who implement such programs;

''(C) educating adoption or foster care agency officials about available and necessary services for children with FASD, including—

''(i) programs designed specifically for screening, assessment and identification, treatment, and education of individuals with FASD; and

''(ii) on-going and consistent education and training for potential adoptive or foster parents of a child with FASD;

''(D) educating health and mental health and substance use providers about available and necessary services for children with FASD, including—

''(i) programs designed specifically for screening and identification, and both health and mental health treatment, of individuals with FASD; and

''(ii) curricula development and credentialing within the health and mental health and substance abuse systems for individuals who implement such programs; and

''(E) identifying and implementing culturally-appropriate best practice models for reducing alcohol and other substance exposed pregnancies in women at high risk of such pregnancies.

''(2) APPLICATION.—To be eligible for a grant under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated $5,000,000 for each of fiscal years 2023 through 2028.

''(g) TRANSITIONAL SERVICES.—

''(1) IN GENERAL.—The Secretary, in coordination with the Administrator of the Health Resources and Services Administration and the Administrator of the Administration for Community Living, shall award demonstration grants, contracts, and cooperative agreements to States and local units of government, Indian Tribes and Tribal organizations, and nongovernmental organizations for the purpose of establishing integrated systems for providing culturally-appropriate best practice transitional services for adults affected by prenatal alcohol or substance exposure and evaluating the effectiveness of such services.

''(2) APPLICATION.—To be eligible for a grant, contract, or cooperative agreement under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require, including specific credentials relating to education, skills, training, and continuing educational requirements relating to FASD.

''(3) ALLOWABLE USES.—An entity shall use amounts received under a grant, contract, or cooperative agreement under paragraph (1) to carry out one or more of the following activities:

''(A) Provide housing assistance to, or specialized housing for, adults with FASD.

''(B) Provide FASD-informed vocational training and placement services for adults with FASD.

''(C) Provide medication monitoring services for adults with FASD.

''(D) Provide FASD-informed training and support to organizations providing family services or mental health programs and other organizations that work with adults with FASD.

''(E) Establish and evaluate housing models specially designed for adults with FASD.

''(F) Recruit, train and provide mentors for individuals with FASD.

''(G) Other services or programs, as the Secretary determines appropriate.

''(4) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated $5,000,000 for each of fiscal years 2023 through 2028.

''(h) SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SPECTRUM DISORDERS.—

''(1) IN GENERAL.—The Secretary, in coordination the Assistant Secretary for Mental Health and Substance Use, shall make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities, including Indian tribes and tribal organizations, to provide FASD-informed culturally-appropriate services to individuals with FASD.

''(2) USE OF FUNDS.—An award under paragraph (1) may, subject to paragraph (4), be used to—

''(A) screen and test individuals to determine the type and level of services needed;

''(B) develop a FASD-informed comprehensive plan for providing services to the individuals;

''(C) provide FASD-informed mental health counseling;

''(D) provide FASD-informed substance abuse prevention services and treatment, if needed;

''(E) coordinate services with other social programs including social services, justice system, educational services, health services, mental health and substance abuse services, financial assistance programs, vocational services and housing assistance programs;

''(F) provide FASD-informed vocational services;

''(G) provide FASD-informed health counseling;

''(H) provide FASD-informed housing assistance;

''(I) conduct FASD-informed parenting skills training;

''(J) develop and implement overall FASD-informed case management;

''(K) provide supportive services for families of individuals with FASD;

''(L) provide respite care for caretakers of individuals with FASD;

''(M) recruit, train and provide mentors for individuals with FASD;

''(N) provide FASD-informed educational and supportive services to families of individuals with FASD; and

''(O) provide other services and programs, to the extent authorized by the Secretary after consideration of recommendations made by the National Advisory Council on FASD.

''(3) REQUIREMENTS.—To be eligible to receive an award under paragraph (1), an applicant shall—

''(A) demonstrate that the program will be part of a coordinated, comprehensive system of care for such individuals;

''(B) demonstrate an established communication with other social programs in the community including social services, justice system, financial assistance programs, health services, educational services, mental health and substance abuse services, vocational services and housing assistance services;

''(C) have a qualified staff of medical, mental health or other professionals with a history of working with individuals with FASD;

''(D) provide assurance that the services will be provided in a culturally and linguistically appropriate manner; and

''(E) provide assurance that at the end of the 5-year award period, other mechanisms will be identified to meet the needs of the individuals and families served under such award.

''(4) RELATIONSHIP TO PAYMENTS UNDER OTHER PROGRAMS.—An award may be made under paragraph (1) only if the applicant involved agrees that the award will not be expended to pay the expenses of providing any service under this section to an individual to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

''(A) under any State compensation program, under an insurance policy, or under any Federal or State or Tribal health benefits programs; or

''(B) by an entity that provides health services on a prepaid basis.

''(5) DURATION OF AWARDS.—With respect to any award under paragraph (1), the period during which payments under such award are made to the recipient may not exceed 5 years.

''(6) EVALUATION.—The Secretary shall evaluate each project carried out under paragraph (1) and shall disseminate the findings

with respect to each such evaluation to appropriate public and private entities, including the National Advisory Council on FASD.

''(7) FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated $10,000,000 for each fiscal years 2023 through 2028.

''(B) ALLOCATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, not more than $300,000 shall, for the purposes relating to FASD, be made available for collaborative, coordinated interagency efforts with the National Institute on Alcohol Abuse and Alcoholism, National Institute on Mental Health, the Eunice Kennedy Shriver National Institute of Child Health and Human Development, the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, the Administration for Community Living, the Centers for Disease Control and Prevention, the Department of Education, the Department of Justice, and other agencies, as determined by the Secretary. Interagency collaborative efforts may include—

''(i) the evaluation of existing programs for efficacy;

''(ii) the development of new evidence-based or best practice programs for prevention of prenatal alcohol and other substance exposure, and interventions for individuals with FASD and their families;

''(iii) the facilitation of translation and transition of existing evidence-based, best practices or culturally-appropriate prevention and intervention programs into general and community practice; and

''(iv) engaging in Tribal consultation to ensure that Indian Tribes and Tribal organizations are able to develop culturally-appropriate services and interventions for prenatal alcohol and other substance exposure, and interventions for individuals with FASD and other conditions related to prenatal substance exposure and their families.''.

(b) NATIONAL ADVISORY COUNCIL ON FSAD.—Part O of title III of the Public Health Service Act (42 U.S.C. 280f et seq.), as amended by subsection (a), is further amended by inserting after section 339H the following:

''SEC. 399H–1. NATIONAL ADVISORY COUNCIL ON FASD.

''(a) IN GENERAL.—The Secretary shall establish an advisory council to be known as the National Advisory Council on FASD (referred to in this section as the 'Council') to foster coordination and cooperation among all Federal and non-Federal members and their constituencies that conduct or support FASD and other conditions related to prenatal substance exposure research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by FASD and other conditions related to prenatal substance exposure.

''(b) MEMBERSHIP.—The Council shall be composed of 23 members as described in paragraphs (1) and (2).

''(1) FEDERAL MEMBERSHIP.—Members of the Council shall include representatives of the following Federal agencies:

''(A) The National Institute on Alcohol Abuse and Alcoholism.

''(B) The National Institute on Drug Abuse.

''(C) The Centers for Disease Control and Prevention.

''(D) The Health Resources and Services Administration.

''(E) The Substance Abuse and Mental Health Services Agency.

''(F) The Office of Special Education and Rehabilitative Services.

''(G) The Office of Justice Programs.

''(H) The Indian Health Service.

''(I) The Interagency Coordinating Committee on Fetal Alcohol Spectrum Disorders.

''(J) The Agency for Healthcare Research and Quality.

''(2) NON-FEDERAL MEMBERS.—Additional non-Federal public and private sector members of the Council shall be nominated by the Interagency Coordinating Committee on Fetal Alcohol Spectrum Disorders and appointed by the Secretary, and shall be staffed by the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Service. Such members shall include—

''(A) at least one individual with FASD or a parent or legal guardian of an individual with FASD;

''(B) at least one individual or a parent or legal guardian of an individual with a condition related to prenatal substance exposure;

''(C) at least one birth mother of an individual with FASD;

''(D) at least one representative from the FASD Study Group of the Research Society on Alcoholism;

''(E) at least one representative of the National Organization on Fetal Alcohol Syndrome;

''(F) at least one representative of a leading statewide advocacy and service organization for individuals with FASD and their families;

''(G) at least one representative of the FASD Center for Excellence established under section 399H–3;

''(H) at least 2 representatives from State or Tribal advisory groups receiving an award under section 399H(d); and

''(I) representatives with interest and expertise in FASD from the private sector of pediatricians, obstetricians and gynecologists, substance abuse and mental health care providers, family and juvenile court judges and justice and corrections programming and services, or special education and social work professionals.

''(3) APPOINTMENT TIMING.—The members of the Council described in paragraph (2) shall be appointed by the Secretary not later than 6 months after the date of enactment of this section.

''(c) FUNCTIONS.—The Council shall—

''(1) advise Federal, State, Tribal and local programs and research concerning FASD and other conditions related to prenatal substance exposure, including programs and research concerning education and public awareness for relevant service providers, reducing the incidence of prenatal alcohol and other substance exposure in pregnancies, medical and mental diagnosis, interventions for women at-risk of giving birth with FASD and beneficial services and supports for individuals with FASD and their families;

''(2) coordinate its efforts with the Interagency Committee on Fetal Alcohol Spectrum Disorders;

''(3) develop a summary of advances in FASD research related to prevention, treatment, screening, diagnosis, and interventions;

''(4) make recommendations for the FASD research program to the Director of the National Institute of Alcohol Abuse and Alcoholism;

''(5) review the 2009 report of the National Task Force on FAS entitled, 'A Call to Action' and other reports on FASD and the adverse impact of prenatal substance exposure;

''(6) develop a summary of advances in practice and programs relevant to FASD prevention, treatment, early screening, diagnosis, and interventions;

''(7) make recommendations on a national agenda to reduce the prevalence and the associated impact of FASD and other conditions related to prenatal substance exposure and improve the quality of life of individuals and families impacted by FASD or the adverse effects of prenatal substance exposure, including—

''(A) proposed Federal budgetary requirements for FASD research and related services and support activities for individuals with FASD;

''(B) recommendations to ensure that FASD research, and services and support activities to the extent practicable, of the Department of Health and Human Services and of other Federal departments and agencies, are not unnecessarily duplicative;

''(C) identification of existing Federal programs that could be used to identify and assist individuals with FASD and other conditions related to substance exposed pregnancies;

''(D) identification of gaps or barriers for individuals living with, or impacted by, FASD in accessing diagnostic, early intervention, and support services;

''(E) identification of prevention strategies, including education campaigns and options, such as product warnings and other mechanisms to raise awareness of the risks associated with prenatal alcohol consumption;

''(F) identification of current diagnostic methods and practices for the identification of FASD and identify gaps or barriers for achieving diagnostic capacity throughout the United States based on current estimated prevalence of FASD;

''(G) recommendations for research or other measures to increase diagnostic capacity to meet the needs of the estimated number of individuals with FASD;

''(H) identification and enhancement of culturally-appropriate or best practice approaches and models of care to reduce the incidence of FASD; and

''(I) identification and enhancement of best practice approaches and models of care to increase support and treat individuals with FASD, and to make recommendations for a broad model comprehensive community approach to the overall problem of prenatal alcohol and other harmful substance exposure.

''(d) REPORT TO CONGRESS AND THE PRESIDENT.—The Council shall submit to Congress and to the President—

''(1) an update on the summary of advances described in paragraphs (3) and (6) of subsection (c), not later than 2 years after the date of enactment of this section;

''(2) an update to the national agenda described in subsection (c)(7), including any progress made in achieving the objectives outlined in such agenda, not later than 4 years after the date of enactment of such Act; and

''(3) a final report that provides a summary of advances described in paragraphs (3) and (6) of subsection (c), and an update to the national agenda described in subsection (c)(7), not later than September 30, 2027.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2023 through 2028.''.

(c) INTERAGENCY COORDINATING COMMITTEE ON FETAL ALCOHOL SPECTRUM DISORDERS.—Subpart 14 of part C of title IV of the Public Health Service Act (42 U.S.C. 285n et seq.) is amended by adding at the end the following:

''SEC. 464K. INTERAGENCY COORDINATING COMMITTEE ON FETAL ALCOHOL SPECTRUM DISORDERS.

''(a) IN GENERAL.—The Director of the Institute shall provide for the continuation of the 'Interagency Coordinating Committee on Fetal Alcohol Spectrum Disorders' (referred to in this section as the 'Committee') so that such Committee may—

''(1) coordinate activities conducted by the Federal Government on FASD, including convening meetings, establishing work

groups, sharing information, and facilitating and promoting collaborative projects among Federal agencies, the National Advisory Council on FASD established under section 399H–1, and outside partners;

''(2) support organizations of appropriate medical and mental health professionals in their development and refinement of evidence-based clinical diagnostic guidelines and criteria for all fetal alcohol spectrum disorders in collaboration with other Federal and outside partners, and

''(3) develop priority areas considering recommendations from the National Advisory Council on FASD.

''(b) MEMBERSHIP.—Members of the Committee shall include representatives of the following Federal agencies:

''(1) The National Institute on Alcohol Abuse and Alcoholism.

''(2) The Centers for Disease Control and Prevention.

''(3) The Health Resources and Services Administration.

''(4) The Office of the Assistant Secretary for Planning and Evaluation.

''(5) The Office of Juvenile Justice and Delinquency Prevention.

''(6) Office of Justice Programs of the Department of Justice.

''(7) The Substance Abuse and Mental Health Services Administration.

''(8) The Office of Special Education and Rehabilitation Services.

''(9) The National Institute on Drug Abuse.

''(10) The National Institute of Mental Health.

''(11) The Indian Health Service.

''(12) The Eunice Kennedy Shriver National Institute of Child Health and Human Development.

''(13) Other Federal agencies with responsibilities related to FASD prevention or treatment or that interact with individuals with FASD, including education and correctional systems, alcohol and substance use disorder prevention and treatment programs, maternal health, the Medicare and Medicaid programs under titles XVIII and XIX, respectively, of the Social Security Act, child health and welfare, rehabilitative services, and labor and housing grant or entitlement programs.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2023 through 2028.''.

(d) FASD CENTER FOR EXCELLENCE.—

(1) IN GENERAL.—Part O of title III of the Public Health Service Act (42 U.S.C. 280f et seq.), as amended by subsection (b), is further amended by inserting after section 339H–2 the following:

''SEC. 399H–2. FASD CENTER FOR EXCELLENCE.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, and in consultation with the Assistant Secretary for Mental Health and Substance Use, the Director of the Centers for Disease Control, and the Chair of the Interagency Coordinating Committee on Fetal Alcohol Spectrum Disorders, shall award up to 4 grants, cooperative agreements, or contracts to public or nonprofit entities with demonstrated expertise in FASD prevention, identification, and intervention services and other adverse conditions related to prenatal substance exposure. Such awards shall be for the purposes of establishing a FASD Center for Excellence to build local, Tribal, State, and national capacities to prevent the occurrence of FASD and other adverse conditions related to exposure to substances, and to respond to the needs of individuals with FASD and their families by carrying out the programs described in subsection (b).

''(b) PROGRAMS.—An entity receiving an award under subsection (a) may use such award for any of the following programs:

''(1) INCREASING FASD DIAGNOSTIC CAPACITY.—Initiating or expanding diagnostic capacity of FASD by increasing screening, assessment, identification, and diagnosis in settings such as clinical practices, educational settings, child welfare, and juvenile out-of-home placement facilities and adult correctional systems.

''(2) PUBLIC AWARENESS.—Developing and supporting national public awareness and outreach activities, including the use of all types of media and public outreach, and the formation of a diverse speakers bureau to raise public awareness of the risks associated with alcohol consumption during pregnancy with the purpose of reducing the prevalence of FASD and improving the quality of life for those living with FASD and their families.

''(3) RESOURCES AND TRAINING.—

''(A) CLEARINGHOUSE.—Acting as a clearinghouse for resources on FASD prevention, identification, and culturally-aware best practices, including the maintenance of a national data-based directory on FASD-specific services in States, Indian Tribes, and local communities.

''(B) INTERNET-BASED CENTER.—Providing an internet-based center that disseminates ongoing research and resource development on FASD in administering systems of care for individuals with FASD across their lifespan.

''(C) INTERVENTION SERVICES AND BEST PRACTICES.—Increasing awareness and understanding of efficacious FASD screening tools and culturally-appropriate intervention services and best practices by—

''(i) maintaining a diverse national speakers bureau; and

''(ii) conducting national, regional, State, Tribal, or peer cross-State webinars, workshops, or conferences for training community leaders, medical and mental health and substance abuse professionals, education and disability professionals, families, law enforcement personnel, judges, individuals working in financial assistance programs, social service personnel, child welfare professionals, and other service providers.

''(D) BUILDING CAPACITY.—Building capacity for State, Tribal, and local affiliates dedicated to FASD awareness, prevention, and identification and family and individual support programs and services.

''(4) TECHNICAL ASSISTANCE.—Providing technical assistance to—

''(A) communities for replicating and adapting exemplary comprehensive systems of care for individuals with FASD developed under section 399H(d) and for replicating and adapting culturally-appropriate best or model projects of care developed under section 399H(f);

''(B) States and Indian Tribes in developing statewide or Tribal FASD strategic plans, establishing or expanding statewide programs of surveillance, screening and diagnosis, prevention, and clinical intervention, and support for individuals with FASD and their families under section 399H(d); and

''(C) Indian Tribes and Tribal organizations in engaging in tribal consultation to ensure that such Tribes and Tribal organizations are able to develop culturally-appropriate services and interventions for individuals with FASD and other conditions related to prenatal substance exposure and their families.

''(5) OTHER FUNCTIONS.—Carrying out other functions, to the extent authorized by the Secretary, after consideration of recommendations of the National Advisory Council on FASD.

''(c) APPLICATION.—To be eligible for a grant, contract, or cooperative agreement under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including specific credentials relating to FASD expertise and experience relevant to the application's proposed activity, including development of FASD public awareness activities and resources; FASD resource development, dissemination, and training; coordination of FASD-informed services, technical assistance, administration of FASD partner networks, and other FASD-specific expertise.

''(d) SUBCONTRACTING.—A public or private nonprofit may carry out the activities under subsection (a) through contracts or cooperative agreements with other public and private nonprofit entities with demonstrated expertise in—

''(1) FASD prevention activities;

''(2) FASD screening and identification;

''(3) FASD resource, development, dissemination, training and technical assistance, administration and support of FASD partner networks; and

''(4) intervention services.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2023 through 2028.''.

(e) DEPARTMENT OF EDUCATION AND DEPARTMENT OF JUSTICE PROGRAMS.—

(1) PREVENTION, IDENTIFICATION, INTERVENTION, AND SERVICES IN THE EDUCATION SYSTEM.—

(A) GENERAL RULE.—The Secretary of Education shall address education-related issues with respect to children with FASD, in accordance with this paragraph.

(B) SPECIFIC RESPONSIBILITIES.—The Secretary of Education shall direct the Office of Special Education and Rehabilitative Services to—

(i) support the development, collection, and dissemination (through the internet website of the Department of Education, at teacher-to-teacher workshops, through in-service trainings, and through other means) of culturally-appropriate best practices that are FASD-informed in the education and support of children with FASD (including any special techniques on how to assist these children in both special and traditional educational settings, and including such practices that incorporate information concerning the identification, behavioral supports, teaching, and learning associated with FASD) to—

(I) education groups such as the National Association of School Boards, the National Education Association, the American Federation of Teachers, the National Association of Elementary School Principals, the National Association of Secondary School Principals and national groups of special education teachers;

(II) recipients of a grant under the 21st Century Community Learning Center program established under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.) and other after school program personnel; and

(III) parent teacher associations, parent information and training centers, and other appropriate parent education organizations;

(ii) ensure that, in administering the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), parents, educators, and advocates for children with disabilities are aware that children with FASD have the right to access general curriculum under the least restrictive environment;

(iii) collaborate with other Federal agencies to include information or activities relating to prenatal alcohol and other harmful substance exposure in programs related to maternal health and health education; and

(iv) support efforts by peer advisory networks of adolescents in schools to discourage the use of alcohol and other harmful substances while pregnant or when considering getting pregnant.

(C) DEFINITION.—For purposes of this paragraph, the term ''FASD'' has the meaning given such term in section 399H(a) of the Public Health Service Act, as added by subsection (a).

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2023 through 2028.

(2) PREVENTION, IDENTIFICATION, INTERVENTION AND SERVICES IN THE JUSTICE SYSTEM.—

(A) IN GENERAL.—The Attorney General shall address justice-related issues with respect to youth and adults with FASD and other neurodevelopmental conditions as a result of prenatal substance exposure, in accordance with this paragraph.

(B) REQUIREMENTS.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention and the Bureau of Justice Initiatives, shall—

(i) develop screening and assessment procedures and conduct trainings on demonstration FASD surveillance projects in adult and juvenile correction facilities in collaboration with the National Center on Birth Defects and Developmental Disabilities and assistance from appropriate medical and mental health professionals;

(ii) provide culturally appropriate support and technical assistance to justice systems professionals in developing training curricula on how to most effectively identify and interact with individuals with FASD or similar neurodevelopmental disorders in the adult and juvenile justice systems, and such support may include providing information about the prevention, assessment, identification and treatment of these disorders into justice professionals' credentialing or continuing education requirements;

(iii) provide culturally appropriate technical assistance to adult and juvenile systems in addressing the integration of prenatal alcohol and substance exposure history into existing validated screening and assessment instruments;

(iv) provide culturally appropriate technical assistance and support on the education of justice system professionals, including judges, attorneys, probation officers, child advocates, law enforcement officers, prison wardens and other incarceration officials, medical and mental health professionals, and administrators of developmental disability, mental health and alternative incarceration facilities on how to screen, assess, identify, treat, respond and support individuals with FASD and other conditions as a result of substance exposure within the justice systems, including—

(I) programs designed specifically for the identification, assessment, treatment, and education of those with FASD;

(II) curricula development and credentialing of teachers, administrators, and social workers who implement such programs; and

(III) how FASD and other neurodevelopmental disorders impact an individual's interaction with law enforcement and whether diversionary sentencing options are more appropriate for such individuals;

(v) conduct a study on the practices and procedures within the criminal justice system for identifying and treatment of juvenile and adult offenders with neurodevelopmental disabilities, such as FASD, the impact of FASD on offenders' cognitive skills and adaptive functioning, and identify alternative culturally-appropriate methods of treatment and incarceration that have been demonstrated to be more effective for such offenders; and

(vi) collaborate with professionals with FASD expertise and implement FASD-informed transition programs for adults and juveniles with FASD who are released from adult and juvenile correctional facilities.

(C) ACCESS FOR BOP INMATES.—The Attorney General shall direct the Reentry Services Division at the Bureau of Prisons to ensure that each inmate with FASD or a similar neurodevelopmental disorder who is in the custody of the Bureau of Prisons have access to FASD-informed culturally appropriate services upon re-entry, including programs, resources, and activities for adults with FASD, to facilitate the successful reintegration into their communities upon release.

(D) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this paragraph, there are authorized to be appropriated $2,000,000 for each of fiscal years 2023 through 2028.

(3) DEFINITION.—For purposes of this subsection, the term ''FASD'' has the meaning given such term in section 399H(a) of the Public Health Service Act, as amended by subsection (a).

SA 6099. 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 G of title X, add the following:

SEC. 1077. CONVEYANCE OF CERTAIN PUBLIC LAND TO THE UNIVERSITY OF ALASKA.

(a) DEFINITIONS.—In this section:

(1) AVAILABLE STATE-SELECTED LAND.—The term ''available State-selected land'' means Federal land in the State that has been selected by the State pursuant to section 6(b) of Public Law 85–508 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21), including land upon which the State has, prior to December 31, 1993, filed a future selection application under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)), but not conveyed or patented to the State, pursuant to Public Law 85–508 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21).

(2) INHOLDING.—The term ''inholding'' means any interest in land owned by the University within—

(A) any conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)); or

(B) any unit of the National Forest System in the State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) STATE.—The term ''State'' means the State of Alaska.

(5) UNIVERSITY.—The term ''University'' means the University of Alaska, acting through the Board of Regents.

(b) ESTABLISHMENT.—The Secretary shall establish a program within the Bureau of Land Management—

(1) to identify and convey available State-selected land to the University to support higher education in the State; and

(2) to acquire, by purchase or exchange, University-owned inholdings in the State.

(c) IDENTIFICATION OF LAND TO BE CONVEYED TO THE UNIVERSITY.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the State and the University may jointly identify not more than 500,000 acres of available State-selected land for inclusion in the program established under subsection (b), of which not more than 360,000 acres may be conveyed and patented to the University.

(2) TECHNICAL ASSISTANCE.—Upon the request of the State and the University, the Secretary shall provide technical assistance in the identification of available State-selected land for inclusion in the program.

(3) MAPS.—As soon as practicable after the date on which the available State-selected land is identified under paragraph (1), 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 1 or more maps depicting the available State-selected land identified for potential conveyance to the University.

(4) CONVEYANCE.—Subject to paragraph (5), if the State and the University notify the Secretary in writing that the State and the University jointly concur with the conveyance of all or a portion of the available State-selected land identified under paragraph (1), and that the State will conditionally relinquish the selection rights of the State to the land covered by the notification on the issuance of the land being tentatively approved, and will fully relinquish those selection rights on final patent by the Secretary to the University, the Secretary shall convey the applicable identified available State-selected land to the University, subject to valid existing rights, in the same manner and subject to the same terms, conditions, and limitations as is applicable to the State under section 6(b) of Public Law 85–508 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21) and other applicable law, to be held in trust for the exclusive use and benefit of the University, to be administered in accordance with subsection (e).

(5) TERMS AND CONDITIONS.—

(A) MAXIMUM ACREAGE.—Subject to subparagraph (C), the Secretary shall convey not more than a total of 360,000 acres of available State-selected land to the University under this subsection, not to exceed the remaining entitlement of the State under section 6(b) of Public Law 85–508 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21).

(B) LETTERS OF CONCURRENCE.—For purposes of paragraph (4) and subject to the maximum acreage limitation under paragraph (1), the State and the University may submit to the Secretary 1 or more joint letters of concurrence identifying parcels of available State selected land for conveyance as a subset of the total acres to be conveyed under this subsection.

(C) ACREAGE CHARGED AGAINST ALASKA STATEHOOD ACT ENTITLEMENT.—The acreage of land conveyed to the University under this subsection shall be charged against the remaining entitlement of the State under section 6(b) of Public Law 85–508 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21).

(D) SURVEY COSTS.—In accordance with Public Law 85–508 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21), the Secretary shall be responsible for the costs of required surveys.

(E) SUBMERGED LANDS.—Lands beneath navigable waters (as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)) shall not be available for conveyance to the University under the program established under subsection (b).

(d) UNIVERSITY OF ALASKA INHOLDINGS.—

(1) IN GENERAL.—The Secretary or the Secretary of Agriculture, as appropriate, may acquire by purchase or exchange, with the consent of the University, University-owned inholdings within Federal land in the State.

(2) APPRAISALS.—The value of the land to be exchanged or acquired under this subsection shall be determined by the Secretary or the Secretary of Agriculture, as appropriate, through appraisals conducted—

(A) in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice; and

(B) by a qualified appraiser mutually agreed to by the Secretary or the Secretary of Agriculture, as appropriate, and the University.

(3) EQUAL VALUE EXCHANGES.—For any land exchange entered into under this subsection, the Federal land and University-owned inholdings exchanged shall be of equal value.

(4) PURCHASE ACQUISITIONS.—Pursuant to chapter 2003 of title 54, United States Code, amounts in the Land and Water Conservation Fund established by section 200302 of that title may be used for the purchase of University-owned inholdings within Federal land in the State under this subsection.

(5) REQUIREMENT.—Any land acquired by the United States under this subsection shall be administered in accordance with the laws (including regulations) applicable to the conservation system unit or unit of the National Forest System in which the land is located.

(e) ADMINISTRATION OF CONVEYED OR EXCHANGED LAND.—All available State-selected land that is tentatively approved or conveyed to the University under this section, and all land or assets acquired by the University through an exchange under this section, together with the income therefrom and the proceeds from any dispositions thereof, shall be administered by the University in trust to meet the necessary expenses of higher education programs, similar to prior Federal land grants to the University.

(f) STATE AND UNIVERSITY PARTICIPATION.—Nothing in this section requires the State or the University—

(1) to participate in the program established under subsection (b); or

(2) to enter into sales or exchanges of University-owned inholdings under subsection (d).

(g) CONGRESSIONAL NOTIFICATION.—Not later than 90 days after the date of any conveyance and patent to the University under this section, the Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives of the land conveyed and patented.

(h) NO EFFECT ON ALASKA STATEHOOD ACT ENTITLEMENT UNAFFECTED.—Except for any available State-selected land conveyed under subsection (c) and charged against the remaining entitlement of the State under section 6(b) of Public Law 85–508 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21)—

(1) the operation of the program established under subsection (b) shall not diminish or alter the rights of the State to receive the entitlement of the State in any way; and

(2) the State may continue to pursue the transfer of the remaining entitlement of the State under section 6(b) of Public Law 85–508 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21) at any time.

SA 6100. 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 end of subtitle D of title X, add the following:

SEC. 1035. NOTIFICATION OF ABANDONED UNITED STATES MILITARY EQUIPMENT USED IN TERRORIST ATTACKS.

(a) IN GENERAL.—Not later than 30 days after any element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) determines that United States military equipment abandoned or otherwise left unsecured in Afghanistan, Iraq, or Syria has been used in a terrorist attack against the United States, allies or partners of the United States, or local populations, the Director of National Intelligence shall submit to the appropriate committees of Congress a written notification of such determination that includes any known details relating to—

(1) the equipment used in the attack;

(2) the date on which, and the location from which, the equipment left United States custody;

(3) attribution for the orchestrators of the attack; and

(4) the total number of deaths and casualties caused by the attack.

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

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

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

SA 6101. 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 end of subtitle F of title XII, add the following:

SEC. 1276. SUBMISSION TO CONGRESS OF DISSENT CABLES RELATING TO WITHDRAWAL OF THE UNITED STATES ARMED FORCES FROM AFGHANISTAN.

(a) SUBMISSION OF CLASSIFIED DISSENT CABLES TO CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress any classified Department of State cable or memo that expresses a dissenting recommendation or opinion with respect to the withdrawal of the United States Armed Forces from Afghanistan.

(b) PUBLIC AVAILABILITY OF UNCLASSIFIED DISSENT CABLES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall make available to the public an unclassified version of any such cable or memo.

(c) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—The name and any other personally identifiable information of an author of a cable or memo referred to in subsection (a) shall be redacted before submission under that subsection or publication under subsection (b).

SA 6102. 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 B of title XII, add the following:

SEC. 1226. AUTHORITY TO ENTER INTO A COOPERATIVE AGREEMENT TO PROTECT CIVILIANS IN IRAQ AND ON THE ARABIAN PENINSULA FROM WEAPONIZED UNMANNED AERIAL SYSTEMS.

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

(1) the United States should improve cooperation with allies, including Israel, and like-minded partners to systematically map out, expose, and disrupt missile and drone procurement networks used by the Iran-backed Houthi rebels in Yemen and other Iranian proxies targeting United States forces and assets and United States allies and partners in the region;

(2) the partner countries of the United States, including Iraq and countries on the Arabian Peninsula, face urgent and emerging threats from unmanned aerial systems and other unmanned aerial vehicles;

(3) joint research and development to counter unmanned aerial systems will serve the national security interests of the United States and its partners in Iraq and on the Arabian Peninsula;

(4) development of counter Unmanned Aircraft Systems (UAS) technology will reduce the impacts of these attacks, build deterrence, and increase regional stability; and

(5) the United States and partners in Iraq and on the Arabian Peninsula should continue to work together to protect against the threat from unmanned aerial systems.

(b) DEFINED TERM.—In this section, the term ''Arabian Peninsula'' means Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, and Yemen.

(c) AUTHORITY TO ENTER INTO AGREEMENT.—

(1) IN GENERAL.—The President is authorized to enter into a cooperative project agreement with Iraq and countries on the Arabian Peninsula under the authority of section 27 of the Arms Export Control Act (22 U.S.C. 2767) to carry out research on and development, testing, evaluation, and joint production (including follow-on support) of defense articles and defense services to detect, track, and destroy armed unmanned aerial systems that threaten the United States and its partners in Iraq and on the Arabian Peninsula.

(2) APPLICABLE REQUIREMENTS.—

(A) IN GENERAL.—The cooperative project agreement described in paragraph (1)—

(i) shall provide that any activities carried out pursuant to such agreement are subject to—

(I) the applicable requirements described in subparagraphs (A), (B), and (C) of section 27(b)(2) of the Arms Export Control Act (22 U.S.C. 2767(b)(2)); and

(II) any other applicable requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.) with respect to the use, transfer, and security of such defense articles and defense services under such Act; and

(ii) shall establish a framework to negotiate the rights to intellectual property developed under such agreement.

(B) CONGRESSIONAL REPORTING REQUIREMENTS.—Notwithstanding section 27(g) of the Arms Export Control Act (22 U.S.C. 2767(g)), any defense articles that result from a cooperative project agreement shall be subject to the requirements under subsections (b) and (c) of section 36 of such Act (22 U.S.C. 2776).

(d) RULE OF CONSTRUCTION WITH RESPECT TO USE OF MILITARY FORCE.—Nothing in this section may be construed as an authorization for the use of military force.

SA 6103. Ms. MURKOWSKI (for herself, Mrs. FEINSTEIN, Mr. SULLIVAN, 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 appropriate place, insert the following:

SEC. _____. PROGRAMS TO ADDRESS SUBSTANCE USE DISORDER.

(a) SHORT TITLE.—This section may be cited as ''Bruce's Law''.

(b) AWARENESS CAMPAIGNS.—

(1) OPIOID PROGRAM.—Section 102 of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) is amended—

(A) in the section heading, by inserting ''**RELATING TO OPIOIDS**'' after ''**CAMPAIGNS**''; and

(B) in subsection (c)—

(i) in paragraph (1), by inserting ''and'' after the semicolon;

(ii) in paragraph (2)(B), by striking ''; and'' and inserting a period; and

(iii) by striking paragraph (3).

(2) ADDITIONAL CAMPAIGN.—Title I of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) is amended by inserting after section 102 the following:

''SEC. 102A. AWARENESS CAMPAIGN RELATED TO LETHALITY OF FENTANYL AND FENTANYL-CONTAMINATED DRUGS.

''(a) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the heads of other Federal departments and agencies, shall, as appropriate, through a public awareness campaign, advance the education and awareness of the public (including school-aged children, youth, parents, first responders, and providers) and other appropriate entities regarding the risk of counterfeit drugs being contaminated with fentanyl or other synthetic opioids and the lethality and other dangers of synthetic opioids.

''(b) TOPICS.—The education and awareness campaigns under subsection (a) shall address—

''(1) the dangers of using drugs which may be contaminated with fentanyl or other synthetic opioids;

''(2) the prevention of substance use disorder and use of drugs other than as prescribed, including through safe disposal of prescription medications and other safety precautions; and

''(3) the detection of early warning signs of substance use disorder and addiction in school-aged children and youth.

''(c) OTHER REQUIREMENTS.—The education and awareness campaigns under subsection (a) shall, as appropriate, take into account any association between the use of prescription drugs other than as prescribed and the use of drugs that can be contaminated by fentanyl or other synthetic opioids, including heroin.

''(d) DRUG DEFINED.—In this section, the term 'drug' means an illicit drug, such as marijuana, hashish, cocaine (including crack cocaine), inhalants, hallucinogens, heroin, a synthetic opioid, methamphetamine or other stimulant, a counterfeit prescription drug, or a prescription drug that is sold illegally.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2023 through 2027 such sums as may be necessary to carry out this section.''.

(c) FEDERAL INTERAGENCY WORK GROUP ON FENTANYL CONTAMINATION OF ILLEGAL DRUGS.—Title I of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198), as amended by subsection (b)(2), is further amended by inserting after section 102A the following:

''SEC. 102B. FEDERAL INTERAGENCY WORK GROUP ON FENTANYL CONTAMINATION OF ILLEGAL DRUGS.

''(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the 'Secretary') shall establish the Federal Interagency Work Group on Fentanyl Contamination of Illegal Drugs (referred to in this section as the 'Work Group').

''(b) MEMBERSHIP; CONSULTATION.—

''(1) COMPOSITION.—Not later than 120 days after the date of enactment of Bruce's Law, the heads of the Office of National Drug Control Policy, the Substance Abuse and Mental Health Services Administration, the Administration for Children and Families, the Centers for Disease Control and Prevention, the Department of Justice, the Drug Enforcement Administration, the Department of State, the Department of Education, and other Federal agencies (as determined by the Secretary) shall designate representatives of the respective agency or office to the Work Group.

''(2) CONSULTATION.—The Work Group shall consult with—

''(A) experts at the State, Tribal, and local levels with relevant backgrounds in reducing, preventing, and responding to drug overdose by fentanyl contamination of illegal drugs;

''(B) individuals in recovery from misuse of fentanyl or other synthetic opioids;

''(C) family members of adults who have overdosed by fentanyl-contaminated illegal drugs;

''(D) family members of school-aged children and youth who have overdosed by fentanyl-contaminated illegal drugs;

''(E) researchers and other experts in the design and implementation of effective drug-related messaging and prevention campaigns; and

''(F) technology companies.

''(c) DUTIES.—The Work Group shall—

''(1) examine all Federal efforts directed towards reducing and preventing drug overdose by fentanyl- or other synthetic opioid-contaminated illegal drugs;

''(2) identify strategies, resources, and supports to improve State, Tribal, and local responses to overdose by fentanyl- or other synthetic opioid-contaminated illegal drugs;

''(3) make recommendations to Congress for improving Federal programs and efforts and coordination across such programs and efforts to reduce and prevent drug overdose by fentanyl- or other synthetic opioid-contaminated illegal drugs; and

''(4) make recommendations for educating youth on the dangers of drugs contaminated by fentanyl or other synthetic opioids.

''(d) ANNUAL REPORT TO SECRETARY.—The Work Group shall annually prepare and submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor and the Committee on Energy and Commerce of the House of Representatives, a report on the activities carried out by the Work Group under subsection (c), including recommendations to reduce and prevent drug overdose by fentanyl or other synthetic opioid contamination of illegal drugs, in all populations, and specifically among youth at risk for substance use disorder and use of drugs other than as prescribed.''.

(d) COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO ADDRESS LOCAL DRUG CRISES.—Section 103(i) of the Comprehensive Addiction and Recovery Act of 2016 (21 U.S.C. 1536(i)) is amended by striking ''2017 through 2021'' and inserting ''2023 through 2027''.

(e) COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO EDUCATE YOUTH ON THE RISKS OF DRUGS CONTAMINATED WITH FENTANYL OR OTHER SYNTHETIC OPIOIDS.—Title I of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) is amended by inserting after section 103 the following:

''SEC. 103A. COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO EDUCATE YOUTH ON THE RISKS OF DRUGS CONTAMINATED WITH FENTANYL OR OTHER SYNTHETIC OPIOIDS.

''(a) PROGRAM AUTHORIZED.—The Director of the Office of National Drug Control Policy (referred to in this section as the 'Director'), in coordination with the Director of the Centers for Disease Control and Prevention, may make grants to eligible entities to implement education of the public on the dangers of contamination of drugs with fentanyl or other synthetic opioids.

''(b) APPLICATION.—

''(1) IN GENERAL.—An eligible entity seeking a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require.

''(2) CRITERIA.—As part of an application for a grant under this section, the Director shall require an eligible entity to submit a detailed, comprehensive, multisector plan for addressing the implementation of an evidence-based public education campaign on the dangers of drugs contaminated with fentanyl or other synthetic opioids, with a specific consideration given to education focused on youth at increased risk for developing a substance use disorder.

''(3) ELIGIBLE ENTITIES.—For purposes of this section, the term 'eligible entity'—

''(A) means an entity that has documented, using local data, rates of drug overdose related to fentanyl or other synthetic opioids at levels that are significant, as determined by the Director; and

''(B) may include an entity that has received a grant under the Drug-Free Communities Act of 1997.

''(c) USE OF FUNDS.—An eligible entity shall use a grant received under this section—

''(1) for programs designed to implement comprehensive community-wide prevention strategies to address the dangers of drugs contaminated with fentanyl or other synthetic opioids, in the area served by the eligible entity, in accordance with the plan submitted under subsection (b)(2);

''(2) to obtain specialized training and technical assistance from the organization funded under section 4 of Public Law 107–82 (21 U.S.C. 1521 note); and

''(3) for programs designed to implement comprehensive community-wide strategies to address the dangers of drugs contaminated with fentanyl or other synthetic opioids in the community.

''(d) SUPPLEMENT NOT SUPPLANT.—An eligible entity shall use Federal funds received under this section only to supplement the funds that would, in the absence of those Federal funds, be made available from other Federal and non-Federal sources for the activities described in this section, and not to supplant those funds.

''(e) EVALUATION.—A grant under this section shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on the recipient of a grant under the Drug-Free Communities Act of 1997, and shall also include an evaluation of the effectiveness at reducing the use of illicit fentanyl or other synthetic opioids.

''(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 12 percent of the amounts made available to carry out this section for a fiscal year may be used to pay for administrative expenses.

''(g) DELEGATION AUTHORITY.—The Director may enter into an interagency agreement with the Director of the Centers for Disease Control and Prevention to delegate authority for the execution of grants and for such other activities, as the Director determines necessary to carry out this section.

''(h) DEFINITION.—In this section, the term 'drug' means an illicit drug, such as marijuana, hashish, cocaine (including crack cocaine), inhalants, hallucinogens, heroin, a synthetic opioid, methamphetamine or other stimulant, a counterfeit prescription drug, or a prescription drug that is sold illegally.

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2023 through 2027.''.

SA 6104. 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 XII, add the following:

SEC. 1254. OPPOSITION TO PROVISION OF ASSISTANCE TO PEOPLE'S REPUBLIC OF CHINA BY MULTILATERAL DEVELOPMENT BANKS.

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

(1) The People's Republic of China is the world's second largest economy and a major global lender.

(2) In February 2021, the foreign exchange reserves of the People's Republic of China totaled more than $3,200,000,000,000.

(3) The World Bank classifies the People's Republic of China as having an upper-middle-income economy.

(4) On February 25, 2021, President Xi Jinping announced ''complete victory'' over extreme poverty in the People's Republic of China.

(5) The Government of the People's Republic of China utilizes state resources to create and promote the Asian Infrastructure Investment Bank, the New Development Bank, and the Belt and Road Initiative.

(6) The People's Republic of China is the world's largest official creditor.

(7) Through a multilateral development bank, countries are eligible to borrow until they can manage long-term development and access to capital markets without financial resources from the bank.

(8) The World Bank reviews the graduation of a country from eligibility to borrow from the International Bank for Reconstruction and Development once the country reaches the graduation discussion income, which is equivalent to the gross national income. For fiscal year 2021, the graduation discussion income is a gross national income per capita exceeding $7,065.

(9) Many of the other multilateral development banks, such as the Asian Development Bank, use the gross national income per capita benchmark used by the International Bank for Reconstruction and Development to trigger the graduation process.

(10) The People's Republic of China exceeded the graduation discussion income threshold in 2016.

(11) Since 2016, the International Bank for Reconstruction and Development has approved projects totaling $8,930,000,000 to the People's Republic of China.

(12) Since 2016, the Asian Development Bank has continued to approve loans and technical assistance to the People's Republic of China totaling $7,600,000,000. The Bank has also approved non-sovereign commitments in the People's Republic of China totaling $1,800,000,000 since 2016.

(13) The World Bank calculates the People's Republic of China's most recent year (2019) gross national income per capita as $10,390.

(b) STATEMENT OF POLICY.—It is the policy of the United States to oppose any additional lending from the multilateral development banks, including the International Bank for Reconstruction and Development and the Asian Development Bank, to the People's Republic of China as a result of the People's Republic of China's successful graduation from the eligibility requirements for assistance from those banks.

(c) OPPOSITION TO LENDING TO PEOPLE'S REPUBLIC OF CHINA.—The Secretary of the Treasury shall instruct the United States Executive Director at each multilateral development bank to use the voice, vote, and influence of the United States—

(1) to oppose any loan or extension of financial or technical assistance by the bank to the People's Republic of China; and

(2) to end lending and assistance to countries that exceed the graduation discussion income of the bank.

(d) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that includes—

(1) an assessment of the status of borrowing by the People's Republic of China from each multilateral development bank;

(2) a description of voting power, shares, and representation by the People's Republic of China at each such bank;

(3) a list of countries that have exceeded the graduation discussion income at each such bank;

(4) a list of countries that have graduated from eligibility for assistance from each such bank; and

(5) a full description of the efforts taken by the United States to graduate countries from such eligibility once they exceed the graduation discussion income at each such bank.

(e) DEFINITIONS.—In this section:

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

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

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

(2) MULTILATERAL DEVELOPMENT BANKS.—The term ''multilateral development banks'' has the meaning given that term in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c)).

SA 6105. 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 appropriate place, insert the following:

SEC. _____. PROGRAM TO IMPROVE THE CARE PROVIDED TO PATIENTS IN THE EMERGENCY DEPARTMENT WHO ARE AT RISK OF SUICIDE.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following new section:

''SEC. 399V–7. PROGRAM TO IMPROVE THE CARE PROVIDED TO PATIENTS IN THE EMERGENCY DEPARTMENT WHO ARE AT RISK OF SUICIDE.

''(a) IN GENERAL.—The Secretary shall establish a program (in this section referred to as the 'Program') to improve the identification, assessment, and treatment of patients in emergency departments who are at risk for suicide, including by—

''(1) developing policies and procedures for identifying and assessing individuals who are at risk of suicide; and

''(2) enhancing the coordination of care for such individuals after discharge.

''(b) GRANT ESTABLISHMENT AND PARTICIPATION.—

''(1) IN GENERAL.—In carrying out the Program, the Secretary shall award grants on a competitive basis to not more than 40 eligible health care sites described in paragraph (2).

''(2) ELIGIBILITY.—To be eligible for a grant under this section, a health care site shall—

''(A) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify;

''(B) be a hospital (as defined in section 1861(e) of the Social Security Act);

''(C) have an emergency department; and

''(D) deploy onsite health care or social service professionals to help connect and integrate patients who are at risk of suicide with treatment and mental health support services.

''(3) PREFERENCE.—In awarding grants under this section, the Secretary may give preference to eligible health care sites described in paragraph (2) that meet at least one of the following criteria:

''(A) The eligible health care site is a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act).

''(B) The eligible health care site is a sole community hospital (as defined in section 1886(d)(5)(D)(iii) of the Social Security Act).

''(C) The eligible health care site is operated by the Indian Health Service, by an Indian Tribe or Tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act), or by an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act).

''(D) The eligible health care site is located in a geographic area with a suicide rate that is higher than the national rate, as determined by the Secretary based on the most recent data from the Centers for Disease Control and Prevention.

''(c) PERIOD OF GRANT.—A grant awarded to an eligible health care site under this section shall be for a period of at least 2 years.

''(d) GRANT USES.—

''(1) REQUIRED USES.—A grant awarded under this section to an eligible health care site shall be used for the following purposes:

''(A) To train emergency department health care professionals to identify, assess, and treat patients who are at risk of suicide.

''(B) To establish and implement policies and procedures for emergency departments to improve the identification, assessment, and treatment of individuals who are at risk of suicide.

''(C) To establish and implement policies and procedures with respect to care coordination, integrated care models, or referral to evidence-based treatment to be used upon the discharge from the emergency department of patients who are at risk of suicide.

''(2) ADDITIONAL PERMISSIBLE USES.—In addition to the required uses listed in paragraph (1), a grant awarded under this section to an eligible health care site may be used for any of the following purposes:

''(A) To hire emergency department psychiatrists, psychologists, nurse practitioners, counselors, therapists, or other licensed health care and behavioral health professionals specializing in the treatment of individuals at risk of suicide.

''(B) To develop and implement best practices for the follow-up care and long-term treatment of individuals who are at risk of suicide.

''(C) To increase the availability of, and access to, evidence-based treatment for individuals who are at risk of suicide, including through telehealth services and strategies to reduce the boarding of these patients in emergency departments.

''(D) To offer consultation with and referral to other supportive services that provide evidence-based treatment and recovery for individuals who are at risk of suicide.

''(e) REPORTING REQUIREMENTS.—

''(1) REPORTS BY GRANTEES.—Each eligible health care site receiving a grant under this section shall submit to the Secretary an annual report for each year for which the grant is received on the progress of the program funded through the grant. Each such report shall include information on—

''(A) the number of individuals screened in the site's emergency department for being at risk of suicide;

''(B) the number of individuals identified in the site's emergency department as being—

''(i) survivors of an attempted suicide; or

''(ii) are at risk of suicide;

''(C) the number of individuals who are identified in the site's emergency department as being at risk of suicide by a health care or behavioral health professional hired pursuant to subsection (d)(2)(A);

''(D) the number of individuals referred by the site's emergency department to other treatment facilities, the types of such other facilities, and the number of such individuals admitted to such other facilities pursuant to such referrals;

''(E) the effectiveness of programs and activities funded through the grant in preventing suicides and suicide attempts; and

''(F) any other relevant additional data regarding the programs and activities funded through the grant.

''(2) REPORT BY SECRETARY.—Not later than one year after the end of fiscal year 2027, the Secretary shall submit to Congress a report that includes—

''(A) findings on the Program;

''(B) overall patient outcomes achieved through the Program;

''(C) an evaluation of the effectiveness of having a trained health care or behavioral health professional onsite to identify, assess, and treat patients who are at risk of suicide; and

''(D) a compilation of policies, procedures, and best practices established, developed, or implemented by grantees under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for the period of fiscal years 2023 through 2027.''.

SA 6106. 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 end of subtitle C of title XII, add the following:

SEC. 1239. PROCUREMENT OF S–400 AIR DEFENSE MISSILE SYSTEM FROM REPUBLIC OF TURKEY AND TRANSFER TO UKRAINE.

(a) AUTHORITY.—Subject to subsection (b), such sums as may be necessary are authorized to be appropriated for the Army for ''Missile Procurement, Army'' for the purchase of an S–400 air defense missile system for the purpose of transferring such air defense missile system to Ukraine.

(b) CERTIFICATION REQUIREMENT.—The authority to purchase an S–400 air defense missile system under subsection (a) is subject to a certification by the Government of Turkey to the Secretary of Defense and the Secretary of State that the proceeds of such purchase will not be utilized to purchase or otherwise acquire military apparatus deemed by the United States to be incompatible with the North Atlantic Treaty Organization.

(c) TRANSFER REQUIREMENT.—Any S–400 air defense missile system purchased under subsection (a) shall be transferred to Ukraine not later than 180 days after the date of such purchase.

SA 6107. Mr. HAGERTY 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. Amounts made available by section 101 to the Department of Homeland Security for ''Immigration and Customs Enforcement—Operations and Support'' shall be apportioned up to the rate for operations necessary to increase detention and removal operations.

SEC. 159. Amounts made available by section 101 to the Department of Homeland Security for ''Customs and Border Protection—Operations and Support'' shall be apportioned up to the rate for operations necessary to increase border security operations.

SA 6108. 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:

Strike section 1233 and insert the following:

SEC. 1233. EXTENSION AND MODIFICATION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (a) of section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1608) is amended to read as follows:

''(a) AUTHORITY TO PROVIDE ASSISTANCE.—

''(1) IN GENERAL.—Amounts available for a fiscal year under subsection (f) shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide, for the purposes described in paragraph (2), appropriate security assistance and intelligence support, including training, equipment, logistics support, supplies and services, salaries and stipends, and sustainment to—

''(A) the military and national security forces of Ukraine; and

''(B) other forces or groups recognized by, and under the authority of, the Government of Ukraine, including governmental entities within Ukraine, that are engaged in resisting Russian aggression.

''(2) PURPOSES DESCRIBED.—The purposes described in this paragraph are as follows:

''(A) To enhance the capabilities of the military and other security forces of the Government of Ukraine to defend against further aggression.

''(B) To assist Ukraine in developing the combat capability to defend its sovereignty and territorial integrity.

''(C) To replace, from the inventory of the United States, weapons and articles provided to the Government of Ukraine.

''(D) To recover or dispose of equipment procured using funds made available under this section.''.

(b) FACILITATION AND PROCESSING OF SURRENDER AND DEFECTIONS OF MEMBERS OF THE MILITARY FORCES OF THE RUSSIAN FEDERATION.—

(1) IN GENERAL.—Of the funds available for fiscal year 2023 pursuant to subsection (f)(8), $50,000,000 shall be available to assist the Government of Ukraine, and the governments of other partner countries in Europe, in facilitating and processing members of the military forces of the Russian Federation who—

(A) surrender in Ukraine; or

(B) defect from the Russian Federation.

(2) ELIGIBLE ACTIVITIES.— The funds provided under paragraph (1) may be used for—

(A) intelligence sharing among the United States, Ukraine, and European partners with respect to surrenders and defections by members of the military forces of the Russian Federation;

(B) information operations with respect to such surrenders and defections;

(C) the solicitation of such surrenders and defections, with a priority for high-ranking officers of the military forces of the Russian Federation; and

(D) detention and security force operations relating to such surrenders and defections.

(3) PROHIBITED ACTIVITIES.—The funds provided under paragraph (1) shall not be used for cash payments, transfer of items of monetary value, or bribes.

(c) UNITED STATES INVENTORY AND OTHER SOURCES.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) ACCEPTANCE OF RETURNED EQUIPMENT.—

''(A) IN GENERAL.—The Secretary of Defense may accept equipment procured under the authority of this section that was transferred to the military or national security forces of Ukraine or to other assisted entities and has been returned by such forces to the United States.

''(B) TREATMENT AS STOCKS OF THE DEPARTMENT.—Equipment procured under the authority of this section that has not been transferred to the military or national security forces of Ukraine or to other assisted entities, or that has been returned by such forces or other assisted entities to the United States, may, upon written notification by the Secretary of Defense to the congressional defense committees, be treated as stocks of the Department.''.

(d) FUNDING.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

''(8) For fiscal year 2023, $850,000,000.''.

(e) NOTICE TO CONGRESS; REPORTS.—Such section is further amended—

(1) by striking the second subsection (g);

(2) by redesignating the first subsection (g) (as added by section 1237(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496)) and subsection (h) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (f) the following new subsections (g) and (h):

''(g) NOTICE TO CONGRESS.—

''(1) IN GENERAL.—Not less than 15 days before providing assistance or support under this section (or if the Secretary of Defense determines, on a case-by-case basis, that extraordinary circumstances exist that impact the national security of the United States, as far in advance as is practicable), the Secretary of Defense shall submit to the congressional defense committees a written notification of the details of such assistance or support.

''(2) SUPPORT TO OTHER FORCES OR GROUPS.—Not less than 15 days before providing assistance or support under this section to other forces or groups described in subsection (a)(1)(B) (or if the Secretary of Defense determines, on a case-by-case basis, that extraordinary circumstances exist that impact the national security of the United States, as far in advance as is practicable but not later than 48 hours in advance) the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notification detailing the intended recipient forces or groups, the command and control relationship that each such entity has with the Government of Ukraine, and the assistance or support to be provided.

''(h) QUARTERLY REPORTS.—Not less frequently than quarterly, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under this section.''.

(f) TERMINATION OF AUTHORITY.—Subsection (i) of such subsection, as redesignated, is amended by striking ''December 31, 2024'' and inserting ''December 31, 2025''.

SA 6109. 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 end of subtitle F of title X, insert the following:

SEC. 1064. ANNUAL REPORTS ON THE AUGUST 2022 LOAN CANCELLATION EFFORT AND READINESS.

(a) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services, Committee on Banking, and Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Armed Services, the Committee on Financial Services, and the Committee on Education and Labor of the House of Representatives.

(2) FEDERAL STUDENT LOAN.—The term ''Federal student loan'' means a loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(3) AUGUST 2022 LOAN CANCELLATION EFFORT.—The term ''August 2022 loan cancellation effort''—

(A) means the decision made on August 24, 2022, to provide loan cancellation under section 2 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098bb) for certain Federal student loan borrowers; and

(B) excludes any targeted Federal student loan forgiveness, cancellation, or repayment programs carried out under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), under final regulations as in effect on May 11, 2022.

(b) ANNUAL REPORT ON FEDERAL STUDENT LOAN FORGIVENESS AND READINESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and annually thereafter for the following 4 years, the Undersecretary of Defense for Personnel and Readiness shall submit to the appropriate committees a report on the effect of the Secretary of Education's August 2022 loan cancellation effort.

(2) CONTENTS.—A report required under paragraph (1) shall include—

(A) data and analysis with respect to the Secretary of Education's August 2022 loan cancellation effort and its effect on—

(i) recruitment;

(ii) retention; and

(iii) readiness; and

(B) in the case of the first report required under paragraph (1), an estimate on the total number of military personnel and veterans who have received, or are eligible for, loan cancellation under the Secretary of Education's August 2022 loan cancellation effort.

SA 6110. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. RESTRICTIONS ON INTERNAL REVENUE SERVICE HIRING.

Section 7804 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) RESTRICTIONS ON HIRING.—The Commissioner of Internal Revenue may not hire any individual who—

''(1) is tax noncompliant (as of the date of such hire); or

''(2) had been previously been employed by the Internal Revenue Service and was terminated or separated for willful failure to properly file their Federal tax returns.''.

SA 6111. Ms. ERNST (for herself, Mr. RUBIO, Ms. HASSAN, 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 end of subtitle E of title VIII, add the following:

SEC. 875. GOVERNMENTWIDE PROCUREMENT POLICY AND GUIDANCE TO MITIGATE ORGANIZATIONAL CONFLICTS OF INTEREST RELATING TO NATIONAL SECURITY AND FOREIGN POLICY.

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

(1) The Federal Government's reliance on contractors for mission support services can create potential organizational conflicts of interest related to national security due to competing interests as a result of business relationships with foreign adversarial nations and entities.

(2) It is imperative that contractors providing mission support services to the Federal Government related to the national security are not providing mission support services for foreign adversaries with regards to efforts that are counter to the national security and foreign policy interests of the United States, including for crimes against humanity declared by the Secretary of State.

(3) Protecting against organizational conflicts of interest related to foreign adversarial nations and entities in Federal mission support services is essential to the national security and economic security of the United States.

(b) POLICY AND GUIDANCE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Office of Federal Procurement Policy, in coordination with the heads of relevant agencies, including the Secretary of Defense, the Secretary of Commerce, the Secretary of

Homeland Security, the Secretary of the Treasury, the Director of National Intelligence, the Attorney General, and the Secretary of State, shall develop government-wide procurement policy and guidance to mitigate and eliminate organizational conflict of interests relating to contracts involving national security matters or foreign policy interests.

(2) ELEMENTS.—The procurement policy and guidance developed under paragraph (1) shall include the following elements:

(A) Updating guidance relating to organizational conflicts of interest with foreign entities and governments that are contrary to the national security or foreign policy interests of the United States.

(B) Providing a definition of ''consulting contract'', considering the definitions of ''advisory and assistance services'' and ''professional and consultant services'' provided under sections 2.101 and 31.205–33, respectively, of the Federal Acquisition Regulation.

(C) Providing executive agencies with solicitation provisions and contract clauses that require offerors and contractors for Federal consulting contracts—

(i) when submitting an offer, to disclose any beneficial ownership, active contracts, contracts held within the last five years, or any other information relevant to potential organizational conflicts of interest with respect to contracts described in paragraph (3); and

(ii) while performing the resulting contract, to disclose information relevant to potential organizational conflicts of interest and to limit future work as necessary to address potential conflicts with respect to contracts described in paragraph (3).

(D) Providing that organizational conflicts of interest found to be contrary to the national security or foreign policy interests of the United States may be grounds for denial of a contract, and failure to disclose such a potential conflict may be grounds for termination for cause, suspension, or debarment of a contractor.

(3) CONTRACTS DESCRIBED.—Contracts described in this paragraph are the following:

(A) Contracts with any of the following entities:

(i) The Government of the People's Republic of China.

(ii) The Chinese Communist Party.

(iii) Any Chinese state-owned entity.

(iv) The People's Liberation Army.

(v) Any entity on the Non-SDN Chinese Military-Industrial Complex Companies List (NS–CMIC–List) maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(vi) Any Chinese military company identified by the Secretary of Defense pursuant to section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note).

(vii) The Government of the Russian Federation, any Russian state-owned entity, or any entity sanctioned by the Secretary of the Treasury under Executive Order 13662 (''Blocking Property of Additional Persons Contributing to the Situation in Ukraine'').

(viii) The government or any state-owned entity of any country determined by the Secretary of State to be a state sponsor of terrorism under section 1754(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (50 U.S.C. 4813(c)), section 40 of the Arms Export Control Act (22 U.S.C. 2779A), or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

(ix) Any entity included on any of the following lists maintained by the Department of Commerce:

(I) The Entity List set forth in Supplement No. 4 to part 744 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations.

(II) The Denied Persons List as described in section 764.3(a)(2) of the Export Administration Regulations.

(III) The Unverified List set forth in Supplement No. 6 to part 744 of the Export Administration Regulations.

(IV) The Military End User List set forth in Supplement No. 7 to part 744 of the Export Administration Regulations.

(x) An entity determined to pose a risk to the national security or foreign policy interests of the United States, as determined by the Office of Federal Procurement Policy in coordination with the heads of relevant agencies listed in subsection (b)(1).

(B) Contracts for consulting services relating to any crimes against humanity as determined by the Secretary of State.

(c) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation to implement the requirements of this section.

SA 6112. Ms. ERNST (for herself, Mr. COTTON, Mrs. GILLIBRAND, 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 A of title VII, add the following:

SEC. 706. PSYCHOLOGICAL EVALUATIONS FOR MEMBERS OF THE ARMED FORCES RETURNING FROM KABUL, AFGHANISTAN.

(a) INITIAL EVALUATION.—Not later than 180 days after the date of the enactment of this Act, subject to subsection (c), the Secretary of Defense shall offer an initial psychological evaluation to each member of the Armed Forces who—

(1) served at the Hamid Karzai International Airport in Kabul, Afghanistan, between August 15 and August 29, 2021; and

(2) has not already received a psychological evaluation with respect to such service.

(b) ADDITIONAL EVALUATIONS.—Subject to subsection (c), the Secretary of Defense shall offer to each member of the Armed Forces who is offered a psychological evaluation under subsection (a), or would have been offered such an evaluation but for the application of subsection (a)(2), an additional evaluation—

(1) not later than 2 years after the date of the enactment of this Act; and

(2) not later than 5 years after such date of enactment.

(c) LIMITATION ON EVALUATIONS.—The Secretary of Defense may offer a psychological evaluation to a member of the Armed Forces under subsection (a) or (b) only if the member is on active service or active status at the time the evaluation is to be offered to the member.

(d) REPORT.—Not later than 220 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the number of members of the Armed Forces, disaggregated by members on active duty and members of the reserve components, who—

(1) are eligible for and have received an initial psychological evaluation under subsection (a); or

(2) have otherwise received a psychological evaluation with respect to service at the Hamid Karzai International Airport in Kabul, Afghanistan, between August 15 and August 29, 2021.

(e) DEFINITIONS.—In this section:

(1) ACTIVE SERVICE; ACTIVE STATUS.—The terms ''active service'' and ''active status'' have the meanings given those terms in section 101(d) of title 10, United States Code.

(2) PSYCHOLOGICAL EVALUATION.—The term ''psychological evaluation'' means an evaluation of the mental health of an individual conducted by a health care professional, psychologist, or doctor either in-person or face-to-face over a virtual platform.

SA 6113. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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 ON PREVALENCE AND MORTALITY OF CANCER AMONG AIRCREW OF THE NAVY, AIR FORCE, AND MARINE CORPS.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies shall conduct a study of the prevalence and mortality of cancers among covered individuals.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) Identification of chemicals, compounds, agents, and other phenomena that cause elevated cancer prevalence and mortality risks among covered individuals, including a nexus study design to determine whether there is a scientifically established link, based on scientific association, between such a chemical, compound, agent, or other phenomena and such cancer prevalence or mortality risk.

(2) An assessment of not fewer than 10 types of cancer that are of concern with respect to exposure by covered individuals to the chemicals, compounds, agents, and other phenomena identified under paragraph (1), which may include colon and rectum cancers, pancreatic cancer, melanoma skin cancer, prostate cancer, testis cancer, urinary bladder cancer, kidney cancer, brain cancer, thyroid cancer, lung cancer, and non-Hodgkin lymphoma.

(3) A review of all available sources of relevant data, including health care databases of the Department of Veterans Affairs and the Department of Defense, the national death index, and the study conducted under section 750 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3716).

(c) SUBMISSION.—

(1) STUDY.—Upon completion of the study under subsection (a), the National Academies shall submit to the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of the Navy, the Secretary of the Air Force, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives the study.

(2) REPORT.—Not later than December 31, 2025, 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 study under subsection (a), including—

(A) the specific actions the Secretary is taking to ensure that the study informs the evaluation of disability claims made to the Secretary, including with respect to providing guidance to claims examiners and revising the schedule of ratings for disabilities under chapter 11 of title 38, United States Code; and

(B) any recommendations of the Secretary.

(3) FORM.—The report under paragraph (2) shall be submitted in unclassified form.

(d) COVERED INDIVIDUAL DEFINED.—In this section, the term ''covered individual'' means an individual who served in the regular or reserve components of the Navy, Air Force, or Marine Corps, including the Air National Guard, as an air crew member of a fixed-wing aircraft, including pilots, navigators, weapons systems operators, aircraft system operators, and any other crew member who regularly flew in an aircraft.

SA 6114. Ms. ERNST (for herself and 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 FEDERAL FUNDING TO ECOHEALTH ALLIANCE, INC.

No funds authorized under this Act may be made available for any purpose to EcoHealth Alliance, Inc., including any subsidiaries and related organizations where EcoHealth Alliance, Inc., is a direct controlling entity.

SA 6115. Ms. ERNST (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 E of title V, add the following:

SEC. 564. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF USE OF TRANSITION PROGRAMS BY MEMBERS OF SPECIAL OPERATIONS FORCES.

(a) REVIEW.—The Comptroller General of the United States shall review the use of Department of Defense transition programs by members of the Armed Forces assigned to special operations forces.

(b) PRELIMINARY BRIEFING AND REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall provide to the appropriate committees of Congress a briefing and report on the preliminary findings of the review conducted under subsection (a).

(c) FINAL BRIEFING.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall provide to the appropriate committees of Congress a briefing on the final results of the review conducted under subsection (a).

(d) FINAL REPORT.—

(1) IN GENERAL.—The Comptroller General shall submit to the appropriate committees of Congress a report containing the final results of the review conducted under subsection (a) on a date agreed to at the time of the briefing provided under subsection (b).

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

(A) The extent to which members of the Armed Forces assigned to special operations forces participate in Department of Defense transition programs.

(B) What unique challenges those members face in making the transition to civilian life and the extent to which existing Department of Defense transition programs address those challenges.

(C) The extent to which the Secretary of Defense directs those members to transition resources provided by nongovernmental entities.

(e) 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; and

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

(2) DEPARTMENT OF DEFENSE TRANSITION PROGRAMS.—The term ''Department of Defense transition programs'' means programs (including the Transition Assistance Program and Skillbridge) carried out under laws administered by the Secretary of Defense that help members of the Armed Forces make the transition to civilian life.

(3) SKILLBRIDGE.—The term ''Skillbridge'' means the programs to provide job training and employment skills training carried out under section 1143(e) of title 10, United States Code.

(4) SPECIAL OPERATION FORCES.—The term ''special operations forces'' means the forces described in section 167(j) of title 10, United States Code.

(5) TRANSITION ASSISTANCE PROGRAM.—The term ''Transition Assistance Program'' means the program of preseparation counseling, employment assistance, and other transitional services provided under sections 1142 and 1144 of title 10, United States Code.

SA 6116. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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 GROUND ADVANCED TECHNOLOGY.

The amount authorized to be appropriated for fiscal year 2023 by section 201 for research, development, test, and evaluation is hereby increased by $12,000,000, with the amount of the increase to be available for Ground Advanced Technology (PE 0603119A).

SA 6117. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. CLARIFICATION OF AUTHORITY TO SOLICIT GIFTS IN SUPPORT OF THE MISSION OF THE DEFENSE POW/MIA ACCOUNTING AGENCY TO ACCOUNT FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.

Section 1501a of title 10, United States Code, is amended—

(1) in subsection (e)(1), by inserting ''solicit,'' after ''the Secretary may''; and

(2) in subsection (f)(2)—

(A) by inserting ''solicitation or'' after ''provide that''; and

(B) by striking ''acceptance or use'' and inserting ''solicitation, acceptance, or use''.

SA 6118. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. SENSE OF CONGRESS ON INVESTING IN HYPERSONIC TECHNOLOGIES.

It is the sense of Congress that the Secretary of Defense should—

(1) prioritize investments in hypersonic-related technologies and leverage industry to develop solutions to the communications continuity challenges facing advancements of hypersonic technology by the United States;

(2) enable and facilitate collaborations with industry and academia to develop emerging technologies that enable United States hypersonic vehicles to communicate through the turbulent hypersonic blackout window; and

(3) continue to underscore the importance of providing a range of capabilities to combatant commands, including United States

Indo-Pacific Command, given the pacing challenge of near-peer competitors of the United States.

SA 6119. 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 end of subtitle G of title V, add the following:

SEC. 589. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE COVID–19 VACCINE REQUIREMENTS AND THEIR EFFECTS ON END STRENGTH AND READINESS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on Department of Defense COVID–19 vaccine requirements and their effects on end strength and readiness.

(b) ELEMENTS.—The report required under subsection (a) shall include data and analysis with respect to—

(1) the number of pending and rejected vaccine waiver requests, including religious waivers;

(2) the number of removals from service, including rank, occupation, and time in service;

(3) an estimated total of benefits lost for such removals;

(4) the effect of the vaccine requirement on recruitment, retention, and readiness;

(5) the estimated cost to retrain replacements, including end strength loss from occupations that are currently eligible for recruitment and retention bonuses;

(6) a catalogue of cancelled or delayed training or missions due to COVID–19 outbreaks or lack of manpower due to removals; and

(7) the number of servicemembers who are being denied permanent change of station, educational, or other assignments or training as a result of non-compliance.

SA 6120. 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 end of subtitle E of title III, add the following:

SEC. 372. REPORT ON SUSTAINMENT OF LONG-RANGE STRIKE AND STEALTH CAPABILITIES IN INDO-PACIFIC REGION.

Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a report containing the results of a study on the feasibility and advisability of constructing a low-observable restoration facility and other requisite maintenance facilities in Australia or other locations as determined by the Commander for the purposes of sustaining long-range strike and stealth capabilities and for bolstering logistical flexibility in the Indo-Pacific Region.

SA 6121. 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 end of subtitle E of title V, add the following:

SEC. 564. REPORT ON DELAYS IN SKILLBRIDGE PROGRAM.

(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 Committee on Armed Services and the Committee on Veterans Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans Affairs of the House of Representatives a report on delays in the Skillbridge program.

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

(1) A description of annual Skillbridge participation, including—

(A) a breakdown of rank and military occupation of participating active duty service members; and

(B) a breakdown of participation by State and industry.

(2) The number of veterans employed by Skillbridge employers one year after leaving active duty.

(3) The average time for the Department of Defense to complete applications received from prospective industry partners and employers.

(4) A plan to reduce the time it takes for the Department to process applications to less than one month.

(c) SKILLBRIDGE DEFINED.—In this section, the term ''Skillbridge'' means the employment skills training program carried out under section 1143(e) of title 10, United States Code.

SA 6122. 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 end of subtitle G of title V, add the following:

SEC. 589. RECOGNITION OF MILITARY OLYMPIC COMPETITION.

(a) WEAR OF OLYMPIC MEDALS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct each military department to review its respective uniform and insignia policies and, where applicable, add references to Olympic and Paralympic medals.

(b) REPORT ON THE ESTABLISHMENT OF RIBBON.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall report on the feasibility and cost of establishing a service ribbon to be awarded to any member of the Armed Forces who has competed as an Olympic or Paralympic athlete on Team USA to designate that competition. The ribbon considered by such report shall—

(1) be called the ''Olympic Competition Ribbon'';

(2) incorporate the colors of the Olympic rings;

(3) not have an accompanying medal;

(4) have authorized appurtenances to be affixed to the ribbon to signify any Olympic or Paralympic medal won while competing for Team USA;

(5) be assigned a position in the order of award precedence as determined by each military department; and

(6) be awarded retroactively to any eligible member of the Armed Forces.

SA 6123. 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 appropriate place, insert the following:

Subtitle G—Sanctions in Response to Military Invasion of Taiwan

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Sanctions Targeting Aggressors of Neighboring Democracies with Taiwan Act of 2022'' or the ''STAND with Taiwan Act of 2022''.

SEC. 1282. FINDINGS.

Congress makes the following findings:

(1) Taiwan is a free and prosperous democracy of nearly 24,000,000 people, an important contributor to peace and stability around the world, and continues to embody and promote democratic values, freedom, and human rights in Asia.

(2) The policy of the United States toward Taiwan is guided by the Taiwan Relations Act (22 U.S.C. 3301 et seq.), the United States-People's Republic of China joint communiqués concluded in 1972, 1978, and 1982, and the Six Assurances that President Ronald Reagan communicated to Taiwan in 1982.

(3) Under section 2 of the Taiwan Relations Act (22 U.S.C. 3301), it is the policy of the United States—

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

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

(C) ''to make clear that the United States decision to establish diplomatic relations

with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means'';

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

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

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

(4) Since the election of President Tsai Ing-wen as President of Taiwan in 2016, the Chinese Communist Party has employed a variety of coercive military and nonmilitary tactics short of armed conflict in its efforts to exert existential pressure on Taiwan, including through diplomatic isolation, restricting tourism, cyberattacks, spreading disinformation, and controlling the ability of Taiwan to purchase COVID–19 vaccines from other countries.

(5) Since 2021, there has been a notable increase in military provocations by the People's Liberation Army against Taiwan, including increased flights of military aircraft within Taiwan's air defense identification zone, incursions over the midline separating the People's Republic of China from Taiwan, holding military exercises in the vicinity of Taiwan's controlled waters, and performing live-fire exercises in the South China Sea.

(6) In August 2022, the People's Republic of China held unprecedented live-fire military exercises and a simulated blockade involving hundreds of military aircraft, dozens of warships, and launches of short-range ballistic missiles over the territory of Taiwan.

(7) The midline separating the People's Republic of China from Taiwan has been effectively erased, increasing the prospects for incidental contact between forces of the People's Republic of China and Taiwan as well as shorting reaction times related to provocations by the People's Republic of China.

(8) On August 10, 2022, the Taiwan Affairs Office of the State Council of the People's Republic of China released a white paper entitled ''The Taiwan Question and China's Reunification in the New Era'' that reiterated the long-standing position of the Government of the People's Republic of China not to renounce the use of force to bring about unification with Taiwan and to ''always be ready to respond with the use of force . . . to interference by external forces or radical action by separatist elements''.

(9) In March 2021, then Commander of the United States Indo-Pacific Command Admiral Philip Davidson testified that the threat of a military invasion of Taiwan by the People's Liberation Army ''is manifest during this decade, in fact in the next six years''.

(10) In March 2021, then Commander of the United States Pacific Fleet Admiral John Aquilino testified that the threat of a military invasion by the People's Liberation Army of Taiwan is ''much closer to us than most think'' and could materialize well before 2035.

(11) On February 24, 2022, the Armed Forces of the Russian Federation initiated an unprovoked and unjustified invasion of Ukraine, resulting in at least 14,000 civilian casualties, including more than 5,000 deaths.

(12) The Russian Federation invasion has destabilized global markets and supply chains, from energy to food, contributing to high inflation and recession in the United States and deep cuts to global gross domestic product.

(13) With the assistance of the United States and European allies, Ukrainian forces have successfully repelled the Russian Federation invasion and recaptured significant portions of territory taken by the Russian Federation in the initial stages of the invasion.

(14) In addition to military power, economic and financial instruments of United States power and their potential use can have an important deterrent effect on the actions of other countries.

SEC. 1283. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is in the interests of the United States to maintain a free and open Indo-Pacific region, with peace and stability in the Taiwan Strait as a critical component;

(2) efforts by the Government of the People's Republic of China and the Chinese Communist Party to unilaterally determine the future of Taiwan through non-peaceful means, including threats and the direct use of force, military coercion, economic boycotts or embargoes, and efforts to internationally isolate or annex Taiwan—

(A) directly undermine the spirit, intent, and purpose of the Taiwan Relations Act (22 U.S.C. 3301 et seq.);

(B) undermine peace and stability in the Taiwan Strait;

(C) limit a free and open Indo-Pacific region; and

(D) are of grave concern to the Government of the United States;

(3) the initiation of a military invasion of Taiwan by the People's Liberation Army would—

(A) constitute a threat to the peace and security of the Western Pacific Area and threaten the peace stability of the entire globe; and

(B) undermine the core political, security, and economic interests of the United States at home and abroad; and

(4) as an important deterrent measure against a military invasion of Taiwan, the Government of the People's Republic of China and the Chinese Communist Party must understand that initiating such an invasion will result in catastrophic economic and financial consequences for the People's Republic of China.

SEC. 1284. STATEMENT OF POLICY.

The policy of the Government of the United States on Taiwan is guided by the Taiwan Relations Act (22 U.S.C. 3301 et seq.), the United States-People's Republic of China joint communiqués concluded in 1972, 1978, and 1982, and the Six Assurances that President Ronald Reagan communicated to Taiwan in 1982, but in the event of the initiation of a military invasion of Taiwan by the People's Liberation Army, it is the policy of the United States—

(1) to use and deploy all economic, commercial, and financial instruments and levers of power, including—

(A) the imposition of sanctions with respect to leadership of the Chinese Communist Party, key officials of the Government of the People's Republic of China, and financial institutions and other entities affiliated with the Chinese Communist Party or the Government of the People's Republic of China;

(B) prohibiting the listing or trading of the securities of Chinese entities on United States securities exchanges;

(C) prohibiting investments by United States financial institutions in economic sectors of the People's Republic of China; and

(D) prohibiting the importation of certain goods mined, produced, or manufactured in the People's Republic of China into the United States; and

(2) to work in close coordination with allies and partners of the United States to encourage those allies and partners to undertake similar economic, commercial, and financial actions against the Government of the People's Republic of China and the Chinese Communist Party.

SEC. 1285. DEFINITIONS.

In this subtitle:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) 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).

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

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Financial Services of the House of Representatives.

(4) COVERED DETERMINATION.—The term ''covered determination'' has the meaning given that term in section 1286(a).

(5) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(6) FOREIGN PERSON.—The term ''foreign person'' means an individual or entity that is not a United States person.

(7) KNOWINGLY.—The term ''knowingly'' with respect to conduct, a circumstance, or a result, means that a person had actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(8) MILITARY INVASION.—The term ''military invasion'' includes—

(A) an amphibious landing or assault;

(B) an airborne operation or air assault;

(C) an aerial bombardment or blockade;

(D) missile attacks, including rockets, ballistic missiles, cruise missiles, and hypersonic missiles;

(E) a naval bombardment or blockade; and

(F) attack on any territory controlled or administered by the Government of Taiwan, including offshore islands controlled or administered by that Government.

(9) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1286. DETERMINATION OF THE INITIATION OF A MILITARY INVASION BY THE PEOPLE'S LIBERATION ARMY OR ITS PROXIES.

(a) COVERED DETERMINATION DEFINED.—In this subtitle, the term ''covered determination'' means—

(1) a determination by the President, not later than 24 hours after a military invasion of Taiwan by the People's Liberation Army or any of its proxies, that such an invasion has occurred; or

(2) the enactment of a joint resolution pursuant to subsection (b).

(b) DETERMINATION BY JOINT RESOLUTION.—

(1) COVERED JOINT RESOLUTION DEFINED.—In this subsection, the term ''covered joint resolution'' means only a joint resolution of either House of Congress the sole matter after the resolving clause of which is as follows:

''That Congress determines that the People's Liberation Army or one of its proxies initiated a military invasion of Taiwan on _____.'', with the blank space being filled with the appropriate date.

(2) INTRODUCTION.—A covered joint resolution may be introduced—

(A) in the House of Representatives, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee); and

(B) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(3) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(A) DISCHARGE FROM COMMITTEE.—If a committee of the House of Representatives to which a covered joint resolution has been referred has not reported the joint resolution within 2 calendar days after the date of referral of the joint resolution, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

(B) MOVING TO CONSIDERATION.—At any time after a covered joint resolution has been placed on the appropriate calendar, it is in order for the sponsor of the joint resolution (or a designee) to move for the consideration of that joint resolution.

(C) POINTS OF ORDER; MOTIONS.—All points of order against the covered joint resolution and its consideration are waived. If the motion under subparagraph (B) is agreed to, the joint resolution shall remain the unfinished business of the House until disposed of, except as provided in paragraph (5).

(D) NO AMENDMENTS.—A covered joint resolution shall not be subject to amendment in the House of Representatives.

(E) DEBATE.—General debate on a covered joint resolution shall not exceed 4 hours, which shall be equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent.

(F) FINAL PASSAGE.—At the conclusion of debate, the previous question shall be considered as ordered on the resolution, and the House of Representatives shall vote on final passage without intervening motion.

(4) CONSIDERATION IN THE SENATE.—

(A) REPORTING AND DISCHARGE.—If the committee of the Senate to which a covered joint resolution was referred has not reported the joint resolution within 2 calendar days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

(B) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the committee of the Senate to which a covered joint resolution was referred reports the joint resolution to the Senate or has been discharged from consideration of the joint resolution (even though a previous motion to the same effect has been disagreed to) to move 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 not debatable. The motion is not subject to a motion to postpone.

(C) NO AMENDMENTS.—An amendment to a covered joint resolution, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit a covered joint resolution, is not in order.

(D) CONSIDERATION.—

(i) LIMITATION ON DEBATE.—Consideration in the Senate of a covered joint resolution shall be limited to not more than 10 hours, which shall be equally divided between, and controlled by, the majority leader and the minority leader, or by their designees.

(ii) VOTE ON ADOPTION.—Whenever all the time for debate on a covered joint resolution has been used or yielded back, the vote on the adoption of the resolution shall occur without any intervening motion or amendment, except that a single quorum call at the conclusion of the debate if requested in accordance with the Rules of the Senate may occur immediately before such vote.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a covered joint resolution shall be decided without debate.

(F) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a covered joint resolution, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) TREATMENT OF SENATE JOINT RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a covered joint resolution received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

(i) The joint resolution shall be referred to the appropriate committees.

(ii) If a committee to which a joint resolution has been referred has not reported the joint resolution within 2 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(iii) Beginning on the third legislative day after the committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. 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.

(iv) The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 4 hours of debate 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.

(B) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—

(i) RECEIPT BEFORE PASSAGE.—If, before the passage by the Senate of a covered joint resolution, the Senate receives an identical joint resolution from the House of Representatives, the following procedures shall apply:

(I) That joint resolution shall not be referred to a committee.

(II) With respect to that joint resolution—

(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the joint resolution from the House of Representatives.

(ii) RECEIPT AFTER PASSAGE.—If, following passage of a covered joint resolution in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

(iii) NO COMPANION MEASURE.—If a covered joint resolution is received from the House, and no companion joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the House joint resolution.

(C) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to a covered joint resolution that is a revenue measure.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) 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

(B) 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. 1287. IMPOSITION OF SANCTIONS WITH RESPECT TO OFFICIALS OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND MEMBERS OF THE CHINESE COMMUNIST PARTY.

(a) IN GENERAL.—Not later than 3 days after making a covered determination, the President shall impose the sanctions described in subsection (d) with respect to officials of the Government of the People's Republic of China and members of the Chinese Communist Party specified in subsection (b), to the extent such officials and members can be identified.

(b) OFFICIALS SPECIFIED.—The officials specified in this subsection shall include—

(1) senior civilian and military officials of the People's Republic of China and military officials who have command or clear and direct decision-making power over military campaigns, military operations, and military planning against Taiwan conducted by the People's Liberation Army;

(2) senior civilian and military officials of the People's Republic of China who have command or clear and direct decision-making power in the Chinese Coast Guard and the Chinese People's Armed Police and are engaged in planning or implementing activities that involve the use of force against Taiwan;

(3) senior or special advisors to the President of the People's Republic of China;

(4) officials of the Government of the People's Republic of China who are members of the top decision-making bodies of that Government;

(5) the highest-ranking Chinese Communist Party members of the decision-making bodies referred to in paragraph (4); and

(6) officials of the Government of the People's Republic of China in the intelligence agencies or security services who—

(A) have clear and direct decisionmaking power; and

(B) have engaged in or implemented activities that—

(i) materially undermine the military readiness of Taiwan;

(ii) overthrow or decapitate the Taiwan's government;

(iii) debilitate Taiwan's electric grid, critical infrastructure, or cybersecurity systems

through offensive electronic or cyber attacks;

(iv) undermine Taiwan's democratic processes through campaigns to spread disinformation; or

(v) involve committing serious human rights abuses against citizens of Taiwan, including forceful transfers, enforced disappearances, unjust detainment, or torture.

(c) ADDITIONAL OFFICIALS.—

(1) LIST REQUIRED.—Not later than 30 days after making a covered determination, and every 90 days thereafter, the President shall submit a list to the appropriate congressional committees that identifies any additional foreign persons who—

(A) the President determines are officials specified in subsection (b); and

(B) who were not included on any previous list of such officials.

(2) IMPOSITION OF SANCTIONS.—Upon the submission of the list required under paragraph (1), the President shall impose the sanctions described in subsection (d) with respect to each official included on the list.

(d) SANCTIONS DESCRIBED.—The sanctions described in this subsection to be imposed with respect to an official specified in subsection (b) or (c) are the following:

(1) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to block and prohibit all transactions in all property and interests in property of the official 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.

(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

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

(A) VISAS, ADMISSION, OR PAROLE.—The official 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 the official shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under subparagraph (A) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the official's possession.

(e) EXCEPTION FOR COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND LAW ENFORCEMENT ACTIVITIES.—Sanctions under this section shall not apply with respect to an official if—

(1) admitting or paroling the official 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 on June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States; or

(B) to carry out or assist law enforcement activity in the United States; or

(2) the alien holds a valid, unexpired A–1, A–2, C–2, G–1, or G–2 visa.

(f) TOP DECISION-MAKING BODIES DEFINED.—In this section, the term ''top decision-making bodies'' may include—

(1) the Politburo Standing Committee of the Chinese Communist Party;

(2) the Party Central Military Commission of the Chinese Communist Party;

(3) the Politburo of the Chinese Communist Party;

(4) the Central Committee of the Chinese Communist Party;

(5) the National Congress of the Chinese Communist Party;

(6) the State Council of the People's Republic of China; and

(7) the State Central Military Commission of the Chinese Communist Party.

SEC. 1288. IMPOSITION OF SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS AFFILIATED WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than 3 days after a covered determination is made, the Secretary of the Treasury—

(1) shall impose the sanctions described in subsection (c) with respect to each joint-equity bank, national joint-stock commercial bank, and national state-owned policy bank; and

(2) may impose those sanctions with respect to any subsidiary of, or successor entity to, a joint-equity bank, national joint-stock commercial bank, or national state-owned policy bank.

(b) ADDITIONAL PEOPLE'S REPUBLIC OF CHINA FINANCIAL INSTITUTIONS.—

(1) LIST REQUIRED.—Not later than 30 days after a covered determination is made, and every 90 days thereafter, the President shall submit a list to the appropriate congressional committees that identifies any foreign persons that the President determines—

(A) are significant financial institutions owned or operated by the Government of the People's Republic of China; and

(B) should be sanctioned in the interest of United States national security.

(2) IMPOSITION OF SANCTIONS.—Upon the submission of each list required under paragraph (1), the President shall impose the sanctions described in subsection (c) with respect to each foreign person identified on such list.

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person subject to subsection (a) or (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(2) RESTRICTIONS ON CORRESPONDENT AND PAYABLE-THROUGH ACCOUNTS.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or payable-through account by a foreign person subject to subsection (a) or (b).

(d) DEFINITIONS.—In this section:

(1) JOINT-EQUITY BANK.—The term ''joint-equity bank'' means a bank under the jurisdiction of the People's Republic of China in which—

(A) the bank's equity is owned jointly by the shareholders; and

(B) the Government of the People's Republic of China holds an interest.

(2) NATIONAL JOINT-STOCK COMMERCIAL BANK.—The term ''national joint-stock commercial bank'' means a bank under the jurisdiction of the People's Republic of China in which—

(A) the bank's stock is owned jointly by the shareholders; and

(B) the Government of the People's Republic of China holds an interest.

(3) NATIONAL STATE-OWNED POLICY BANK.—The term ''national state-owned policy bank'' means a bank that—

(A) is incorporated in the People's Republic of China; and

(B) was established by the Government of the People's Republic of China to advance investments in specific policy domains that advance the interests and goals of the People's Republic of China.

SEC. 1289. IMPOSITION OF SANCTIONS WITH RESPECT TO ENTITIES OWNED BY OR AFFILIATED WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA OR THE CHINESE COMMUNIST PARTY.

(a) IN GENERAL.—Not later than 3 days after a covered determination is made, the Secretary of the Treasury shall impose the sanctions described in subsection (b) with respect to any entity that—

(1) the Government of the People's Republic of China or the Chinese Communist Party has an ownership interest in; or

(2) is otherwise affiliated with the Government of the People's Republic of China or the Chinese Communist Party.

(b) BLOCKING OF PROPERTY.—

(1) IN GENERAL.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of an entity in an industry subject to subsection (a) 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) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

SEC. 1290. PROHIBITION ON TRANSFERS OF FUNDS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Except as provided by subsection (b), not later than 3 days after a covered determination is made, a depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A))) or a broker or dealer in securities registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) may not process transfers of funds—

(1) to or from the People's Republic of China; or

(2) for the direct or indirect benefit of officials of the Government of the People's Republic of China or members of the Chinese Communist Party.

(b) EXCEPTION.—A depository institution, broker, or dealer described in subsection (a) may process a transfer described in that subsection if the transfer—

(1) arises from, and is ordinarily incident and necessary to give effect to, an underlying transaction that is authorized by a specific or general license; and

(2) does not involve debiting or crediting an Chinese account.

SEC. 1291. PROHIBITION ON LISTING OR TRADING OF CHINESE ENTITIES ON UNITED STATES SECURITIES EXCHANGES.

(a) IN GENERAL.—The Securities and Exchange Commission shall prohibit the securities of an issuer described in subsection (b) from being traded on a national securities exchange on and after the date that is 3 days after a covered determination is made.

(b) ISSUERS.—An issuer described in this subsection is an issuer that is—

(1) an official of or individual affiliated with the Government of the People's Republic of China or the Chinese Communist Party; or

(2) an entity that—

(A) the Government of the People's Republic of China or the Chinese Communist Party has an ownership interest in; or

(B) is otherwise affiliated with the Government of the People's Republic of China or the Chinese Communist Party.

(c) DEFINITIONS.—In this section:

(1) ISSUER; SECURITY.—The terms ''issuer'' and ''security'' have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

(2) NATIONAL SECURITIES EXCHANGE.—The term ''national securities exchange'' means an exchange registered as a national securities exchange in accordance with section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

SEC. 1292. PROHIBITION ON INVESTMENTS BY UNITED STATES FINANCIAL INSTITUTIONS THAT BENEFIT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA OR THE CHINESE COMMUNIST PARTY.

(a) IN GENERAL.—Not later than 3 days after a covered determination is made, the Secretary of the Treasury shall prohibit any United States financial institution from making any investments described in subsection (b).

(b) INVESTMENTS DESCRIBED.—An investment described in this subsection is a monetary investment—

(1) to—

(A) an entity owned or controlled by the Government of the People's Republic of China or the Chinese Communist Party; or

(B) the People's Liberation Army; or

(2) for the benefit of any priority industrial sector identified in the ''Made in China 2025'' plan or the ''14th Five Year Smart Manufacturing Development Plan'', including—

(A) agriculture machinery;

(B) information technology;

(C) artificial intelligence, machine learning, and robotics;

(D) green energy and green vehicles;

(E) aerospace equipment;

(F) ocean engineering and high tech ships;

(G) railway equipment;

(H) power equipment;

(I) new materials;

(J) medicine and medical devices;

(K) fifth generation and future generation telecommunications and other advanced wireless networking technologies;

(L) semiconductor manufacturing;

(M) biotechnology;

(N) quantum computing;

(O) surveillance technologies, including facial recognition technologies and censorship software;

(P) fiber optic cables; and

(Q) mining and resource development.

(c) UNITED STATES FINANCIAL INSTITUTION DEFINED.—In this section, the term ''United States financial institution''—

(1) means any financial institution that is a United States person; and

(2) includes an investment company, private equity company, venture capital company, or hedge fund that is a United States person.

SEC. 1293. PROHIBITION ON IMPORTATION OF CERTAIN GOODS MADE IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Except as provided in subsection (b), on and after the date that is 3 days after a covered determination is made, all goods mined, produced, or manufactured wholly or in part in the People's Republic of China, or by a person working for or affiliated with an entity or industry wholly financed by the Government of the People's Republic of China or the Chinese Communist Party or in which the Government of the People's Republic of China or the Chinese Communist Party has a majority ownership interest, shall not be entitled to entry at any of the ports of the United States and the importation of such goods is prohibited.

(b) EXCEPTION.—The prohibition under subsection (a) shall not apply with respect to a good if the President—

(1) determines that the good is necessary to the national security, economic security, or public health of the United States; and

(2) submits to the appropriate congressional committees and make available to the public a report on that determination.

SEC. 1294. EXCEPTIONS; WAIVER.

(a) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—This subtitle shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(b) NATIONAL SECURITY WAIVER.—The President may waive the imposition of sanctions under this subtitle with respect to a person if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

SEC. 1295. 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.

SA 6124. 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 G of title X, add the following:

SEC. 1077. THINK TANK CYBERSECURITY STANDARDS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall develop and promulgate regulations—

(A) requiring covered think tanks and research organizations to develop cybersecurity standards plans and submit them to the Under Secretary of State for Management; and

(B) requiring the Bureau of Diplomatic Security, in coordination with other competent authorities as necessary, to certify whether the plans required pursuant to subparagraph (A) meet minimum cybersecurity standards for the protection of sensitive data and information.

(2) COVERED THINK TANKS AND RESEARCH ORGANIZATIONS.—For purposes of this section, the term ''covered think tanks and research organizations'' means United States think tanks and research organizations that—

(A) receive or plan to apply for funding from the Department of State;

(B) participate or intend to participate in more than three Department-hosted events in a calendar year; or

(C) meet, correspond, or otherwise engage with Department of State personnel more than three times in a calendar year.

(3) SCOPE OF PLAN.—The cybersecurity plan required under paragraph (1) shall include—

(A) a description of the cybersecurity standards, training requirements, and other procedures;

(B) a description of how the organization intends to safeguard sensitive data and report and remediate any breaches or theft to the Department of State and relevant law enforcement; and

(C) a description of any other factors the Department deems necessary to bolstering the cybersecurity of think tanks and research organizations.

(b) REPORT.—Not later than 60 days after the effective date of the regulations promulgated under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees describing—

(1) the progress of the Department of State in implementation of the cybersecurity plan requirement mandated pursuant to subsection (a);

(2) the officials and offices within the Department responsible for implementing the regulations required under subsection (a);

(3) any challenges or obstacles to implementation; and

(4) any recommendations to improve upon the regulations described required under subsection (a) or overcome challenges to implementation.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 6125. 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 G of title X, add the following:

SEC. 1077. REQUIREMENT FOR THINK TANKS TO DISCLOSE FOREIGN FUNDING.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act,

the Secretary of State shall develop and promulgate regulations requiring covered think tanks and research organizations to submit an annual disclosure to the Under Secretary of State for Management detailing the sources of funding specified in paragraph (3).

(2) COVERED THINK TANKS AND RESEARCH ORGANIZATIONS.—For purposes of this section, the term ''covered think tanks and research organizations'' means United States think tanks and research organizations that—

(A) receive or plan to apply for funding from the Department of State;

(B) participate or intend to participate in more than three Department-hosted events in a calendar year; or

(C) meet, correspond, or otherwise engage with Department of State personnel more than three times in a calendar year.

(3) COVERED SOURCES OF FUNDING.—

(A) IN GENERAL.—The sources of funding referred to in paragraph (1) are—

(i) governments, political parties, state-owned research or academic institutions, state-owned enterprises, and cultural organizations from the countries specified in subparagraph (B);

(ii) Persons from the countries specified in such subparagraph; and

(iii) United States and foreign persons, government, institutions, and companies advocating on behalf of the interests of the countries specified in such subparagraph with regard to energy, infrastructure, telecommunications, information technology, defense, or foreign policy.

(B) SPECIFIED COUNTRIES.—The countries referred to in subparagraph (A) are—

(i) the Russian Federation;

(ii) the People's Republic of China; and

(iii) any other country the Secretary of State determines should be subject to the disclosure requirements of this section.

(b) REPORT.—Not later than 60 days after the effective date of the regulations promulgated under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees describing—

(1) the progress of the Department of State in implementation of the disclosure requirement mandated pursuant to subsection (a);

(2) the officials and offices within the Department responsible for implementing the regulations required under subsection (a);

(3) any challenges or obstacles to implementation; and

(4) any recommendations to improve upon the regulations described required under subsection (a) or overcome challenges to implementation.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 6126. 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:

Strike section 1231 and insert the following:

SEC. 1231. MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking ''for fiscal year 2017, 2018, 2019, 2020, 2021, or 2022'' and inserting ''for any fiscal year''; and

(B) by striking ''in the fiscal year concerned''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''with respect to funds for a fiscal year''; and

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

''(2) not later than 15 days before the date on which the waiver takes effect, and every 90 days thereafter, submits to the appropriate congressional committees—

''(A) a notification that the waiver is in the national security interest of the United States and a description of the national security interest covered by the waiver during the applicable reporting period;

''(B) a description of any condition or prerequisite placed by the Russian Federation on military cooperation between the United States and the Russian Federation;

''(C) a description of the results achieved by United States-Russian Federation military cooperation during the applicable reporting period and an assessment of whether such results meet the national security objectives described under subparagraph (A);

''(D) a description of the measures in place to mitigate counterintelligence or operational security concerns and an assessment of whether such measures have succeeded, submitted in classified form as necessary; and

''(E) a report explaining why the Secretary of Defense cannot make the certification under subsection (a).''.

SA 6127. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. EQUAL ENFORCEMENT OF EXPENDING ONLY AUTHORIZED APPROPRIATIONS UNDER CONTINUING RESOLUTIONS.

(a) FINDINGS.—Congress finds the following:

(1) The national security of the United States suffers greatly from continuing appropriation Acts due to the inability of the Department of Defense to execute new starts or production increases under the standardized language of continuing resolutions.

(2) No other executive branch agency receives similar treatment under the standardized language of continuing resolutions.

(3) The theory that the prohibitions under a continuing resolution on new starts and production increases at the Department of Defense increase pressure for negotiations has not been supported by the significant and growing length of the period during which funding is provided under a continuing resolution for a fiscal year over the past 15 years.

(4) Experimentation with alternative methods of increasing pressure for negotiations could result in more efficient and effective outcomes for national security and the taxpayers of the United States.

(b) EQUAL ENFORCEMENT.—No amounts made available under an appropriation Act providing continuing funding for a fiscal year shall be made available to any department, agency, corporation, or other organization unit of the Federal Government for production of items, procurement of materials, construction of facilities, research and development, execution of contracts, or any other use of funds not specifically provided for in the annual appropriation Act for the preceding fiscal year.

SA 6128. Ms. CORTEZ MASTO (for herself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. PROMOTING PRIVACY ENHANCING TECHNOLOGIES.

(a) DEFINITION OF PRIVACY ENHANCING TECHNOLOGY.—In this section the term ''privacy enhancing technology'' means any software solution, technical processes, or other technological means of protecting an individual's privacy and the confidentiality of data, which may include—

(1) anonymization and pseudonymization techniques, filtering tools, anti-tracking technology, differential privacy tools, synthetic data generation tools, cryptographic techniques (such as secure multi-party computation and homomorphic encryption), and systems for federated learning; and

(2) any other software solution, technical processes, or other technological means that the Director of the National Science Foundation, in consultation with the Director of the National Institute of Standards and Technology outside experts, determines to be a technology that enhances privacy.

(b) NATIONAL SCIENCE FOUNDATION SUPPORT OF RESEARCH ON PRIVACY ENHANCING TECHNOLOGY.—The Director of the National Science Foundation, in consultation with other relevant Federal agencies (as determined by the Director), shall support merit-reviewed and competitively awarded research on privacy enhancing technologies, which may include—

(1) fundamental research on technologies for de-identification, pseudonymization, anonymization, or obfuscation to protect individuals' privacy in data sets;

(2) fundamental research on algorithms, machine learning, and other similar mathematical tools used to protect individual privacy when collecting, storing, sharing, aggregating, or analyzing data;

(3) fundamental research on technologies that promote data minimization principles in data collection, sharing, transfers, retention, and analytics;

(4) research awards on privacy enhancing technologies coordinated with other relevant Federal agencies and programs;

(5) research on barriers to, and opportunities for, the adoption of privacy enhancing technologies, including studies on effective business models for privacy enhancing technologies; and

(6) international cooperative research, awards, challenges, and pilot projects on privacy enhancing technologies with key United States allies and partners.

(c) INTEGRATION INTO THE COMPUTER AND NETWORK SECURITY PROGRAM.—Subparagraph (D) of section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)(D)) is amended to read as follows:

''(D) privacy enhancing technologies and confidentiality;''.

(d) COORDINATION WITH THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND OTHER STAKEHOLDERS.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall coordinate with the Director of the National Science Foundation, the Director of the National Institute of Standards and Technology, and the Federal Trade Commission to accelerate the development and use of privacy enhancing technologies.

(2) OUTREACH.—The Director of the National Institute of Standards and Technology shall conduct outreach to—

(A) receive input from private, public, and academic stakeholders on the development and potential uses of privacy enhancing technologies, including the National Institutes of Health and the Centers for Disease Control and Prevention regarding specific applications in public health research; and

(B) develop ongoing public and private sector engagement to create and disseminate voluntary, consensus-based resources to increase the integration of privacy enhancing technologies in data collection, sharing, transfers, retention, and analytics by the public and private sectors.

(e) REPORT ON PRIVACY ENHANCING TECHNOLOGY RESEARCH.—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall, in coordination with the Director of the National Science Foundation, the Director of the National Institute of Standards and Technology, and the Chair of the Federal Trade Commission, submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives, a report containing—

(1) the progress of research on privacy enhancing technologies;

(2) the progress of the development of voluntary resources described under subsection (d)(2)(B); and

(3) any policy recommendations that could facilitate and improve communication and coordination between the private sector, the National Science Foundation, and relevant Federal agencies through the implementation of privacy enhancing technologies.

SA 6129. 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 title X, add the following:

Subtitle H—Next Generation Telecommunications Act

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''Next Generation Telecommunications Act''.

SEC. 1082. DEFINITIONS.

In this subtitle:

(1) ADVANCED WIRELESS COMMUNICATIONS TECHNOLOGIES.—The term ''advanced wireless communications technologies'' means advanced technologies that contribute to or rely on 6G or future generation networks, such as artificial intelligence and machine learning, satellite and fixed wireless broadband, open network architecture, precision agriculture, advanced telemedicine and medical diagnostics, and remote learning technologies.

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

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

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Energy and Commerce of the House of Representatives; and

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

(3) CONGRESSIONAL LEADERS.—The term ''congressional leaders'' 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.

(4) COUNCIL.—The term ''Council'' means the Next Generation Telecommunications Council established under section 1083(a).

(5) INDIAN TRIBE.—The term ''Indian Tribe'' means any Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe.

(6) TRIBAL GOVERNMENT.—The term ''Tribal government'' means the governing body of an Indian Tribe.

SEC. 1083. 6G AND ADVANCED WIRELESS TECHNOLOGIES COUNCIL.

(a) ESTABLISHMENT AND STATEMENT OF POLICY.—

(1) IN GENERAL.—There is established a council, to be known as the ''Next Generation Telecommunications Council'', to advise Congress on ways the Federal Government can support private sector 6G advancements and advanced wireless communications technologies in the United States.

(2) STATEMENT OF POLICY.—Nothing in this subtitle shall be construed as enabling the Council to—

(A) direct technical specifications or standards;

(B) interject United States-specific policies into global 6G technical specifications; or

(C) replace or compete with any industry-led efforts on the technical specifications of 6G.

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Council shall be composed of the following members:

(i) The Assistant Secretary of Commerce for Communications and Information.

(ii) The Chair of the Federal Communications Commission.

(iii) A Commissioner of the Federal Communications Commission from a political party other than the political party of the Chair of the Federal Communications Commission.

(iv) Three members appointed by the majority leader of the Senate, in consultation with the Chair of the Committee on Commerce, Science, and Transportation of the Senate, 1 of whom shall be a member of the Senate and 2 of whom shall not be.

(v) Three members appointed by the minority leader of the Senate, in consultation with the Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate, 1 of whom shall be a member of the Senate and 2 of whom shall not be.

(vi) Three members appointed by the Speaker of the House of Representatives, in consultation with the Chair of the Committee on Energy and Commerce of the House of Representatives, 1 of whom shall be a member of the House of Representatives and 2 of whom shall not be.

(vii) Three members appointed by the minority leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Energy and Commerce of the House of Representatives, 1 of whom shall be a member of the House of Representatives and 2 of whom shall not be.

(B) REQUIREMENTS FOR CERTAIN MEMBERS.—

(i) IN GENERAL.—The members of the Council who are not members of Congress and who are appointed under clauses (iv) through (vii) of subparagraph (A) shall be individuals who are nationally recognized for technical expertise, knowledge, or experience in—

(I) telecommunications, spectrum policy, and technical standards organizations;

(II) cloud services and artificial intelligence and machine learning; or

(III) cybersecurity, protection of information systems, and security innovations.

(ii) LIMITATION ON APPOINTMENTS.—

(I) IN GENERAL.—An official who appoints members of the Council may not appoint an individual as a member of the Council if such individual possesses any personal or financial interest that would interfere with the objective discharge of any duties of the Council.

(II) WIRELESS EXPERTISE OR RELEVANT EXPERIENCE.—One of the members of the Council appointed under each of clauses (iv) through (vii) of subparagraph (A) shall have wireless expertise or relevant experience related to the goal of the Council under subsection (a)(1)and may have financial or personal interests related to that expertise or experience, so long as such interests do not interfere with the objective discharge of any duties of the Council.

(2) CO-CHAIRS.—

(A) IN GENERAL.—The Council shall have 2 co-chairs selected from among the members of the Council, of which—

(i) one co-chair of the Council shall be a member of the Democratic Party; and

(ii) one co-chair shall be a member of the Republican Party.

(B) REQUIREMENT.—The individuals who serve as the co-chairs of the Council shall be jointly agreed upon by the President and the congressional leaders.

(c) APPOINTMENT; INITIAL MEETING.—

(1) APPOINTMENT.—Members of the Council shall be appointed not later than 90 days after the date of enactment of this Act.

(2) INITIAL MEETING.—The Council shall hold its initial meeting on or before the date that is 60 days after the date on which all members have been appointed to the Council under paragraph (1).

(d) MEETINGS; QUORUM; VACANCIES.—

(1) IN GENERAL.—After its initial meeting, the Council shall meet upon the call of the co-chairs of the Council.

(2) QUORUM.—Nine members of the Council shall constitute a quorum for purposes of conducting business, except that 2 members of the Council shall constitute a quorum for purposes of receiving testimony.

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

(4) QUORUM WITH VACANCIES.—If vacancies in the Council occur on any day after 45 days after the date on which all members of the Council have been appointed under paragraph (1), a majority of sitting members of the Council shall constitute a quorum.

(e) ACTIONS OF COUNCIL.—

(1) IN GENERAL.—The Council shall act by resolution agreed to by a majority of the members of the Council voting and present.

(2) PANELS.—The Council may establish panels composed of less than the full membership of the Council for purposes of carrying out the duties of the Council under this section. The actions of any such panel shall be subject to the review and control of the Council. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Council unless approved by the majority of the Council.

(3) DELEGATION.—Any member or staff of the Council may, if authorized by the majority of the Council, take any action which the Council is authorized to take pursuant to this section.

(f) DUTIES.—

(1) IN GENERAL.—The duties of the Council are to review and advise Congress on—

(A) advancements in 6G and other advanced wireless communications technologies;

(B) Federal Government and State, local, and Tribal government support for all generations of wireless communications technologies, including 6G;

(C) Federal Government support for the private sector to encourage 6G advancements and other advanced wireless communications technologies;

(D) the role of the Federal Government in supporting private sector leadership in the standardization and development of 6G and other advanced wireless communications technologies;

(E) the need for the Federal Government to accelerate access to Federal lands for deployment of 6G and other advanced wireless communications technologies; and

(F) the role of the Federal Government and State, local, and Tribal governments in supporting the private sector development and deployment of 6G and other advanced wireless communications technologies.

(2) SOLICITATION OF STAKEHOLDER COMMENT.—In carrying out the review required under paragraph (1), the Council shall, under a reasonable timeframe—

(A) facilitate and solicit the ability of commercial and public interest stakeholders to provide input and information to the Council on the agenda, reports, and related work of the Council; and

(B) disclose actionable information about the plans of the Council in time for appropriate participation by stakeholders described in subparagraph (A).

(g) STRATEGY.—

(1) IN GENERAL.—The Council shall develop and submit to Congress a report containing recommendations for how the Federal Government, and where applicable, State, local, and Tribal governments, can support—

(A) private sector development of 6G and advanced wireless communications technologies;

(B) the adoption of 6G and advanced wireless communications technologies by communities of color, underserved communities, individuals with disabilities, low-income communities, and rural and Tribal communities;

(C) the coordination of spectrum management functions within the Federal Government to ensure timely decisions and needed actions for the development of 6G and advanced wireless communications technologies;

(D) private sector-led research and development into, and standards for, 6G and advanced wireless communications technologies, including collaboration with federally funded research and development centers, universities, the private sector, and trusted United States allies;

(E) private sector development of 6G and other end uses, including through test beds and pilot programs; and

(F) the promotion of international cooperation and standardization with respect to 6G and advanced wireless communications technologies to promote economies of scale in the deployment of such technologies.

(2) CONSIDERATIONS.—In developing the strategy under this subsection, the Council shall consider the following:

(A) Access to adequate spectrum resources to support 6G and advanced wireless communications technologies.

(B) The Federal Government's function as regulator of Federal and non-Federal electromagnetic spectrum and the need for a stable, predictable, and well-functioning Federal spectrum management and decision-making process led by the National Telecommunications and Information Administration, including an assessment of the Federal Government's—

(i) technical engineering capabilities;

(ii) transparent processes for the resolution of non-routine policy disputes;

(iii) interagency cooperation; and

(iv) communication with Federal and non-Federal license holders, including taking into consideration relevant expert reports from Federal advisory councils and other academic organizations.

(C) Supply chain resiliency and security, including vendor diversity, for 6G and advanced wireless communications technologies.

(D) Network security for 6G and advanced wireless communications technologies.

(E) The role of cloud computing in the development of 6G and advanced wireless communications technologies.

(F) The workforce needs that must be met in order to build, maintain, and utilize 6G and advanced wireless communications technologies and networks, along with strategies to conduct the necessary workforce training, which consideration may include consulting the report submitted to Congress by the telecommunications interagency working group established under section 344 of the Communications Act of 1934 (47 U.S.C. 344).

(G) The need for greater collaboration between the Federal Government and the communications industry to make certain that 6G and advanced wireless communications networks remain secure and resilient.

(H) Facilitation of infrastructure siting, easements, and licenses for the deployment of 6G, including those involving Federal, State, local, and Tribal infrastructure.

(I) Other factors relevant to the successful private sector development and deployment of 6G and advanced wireless communications technologies, such as artificial intelligence and machine learning, satellite and fixed wireless broadband, and open radio access network technologies.

(3) LEGISLATIVE RECOMMENDATIONS.—The Council shall not include in the report submitted under paragraph (1) any legislative recommendation to Congress related to the work of the Council unless the recommendation has the support of a majority of the members of the Council, established by a formal vote on the recommendation the results of which are disclosed in the report.

(4) NOTICE AND COMMENT.—The Council shall—

(A) publicly release for notice and comment—

(i) each draft the Council prepares of the report required under paragraph (1); and

(ii) the final report required under paragraph (1) prior to submission to Congress; and

(B) respond in detail, in the report required under paragraph (1), to any comments received under subparagraph (A) of this paragraph.

(h) LIMITATIONS.—

(1) IN GENERAL.—In performing the responsibilities of the Council under this subtitle, the Council shall not engage in activities, issue any advice, or submit recommendations on matters related to the development of technical and operational aspects of 6G if those matters have been defined or developed by the private sector for past generations of wireless communications networks, whether acting through standards-setting bodies or individually by entities that deploy and operate wireless communications networks, including—

(A) defining the features and capabilities of 6G or advanced wireless communications technologies;

(B) setting technological parameters, definitions, or standards for 6G or advanced wireless communications technologies; and

(C) establishing, rejecting, or otherwise limiting business or service models for 6G.

(2) STANDARDS-SETTING BODIES.—The standards-setting bodies referred to in paragraph (1) include—

(A) the International Organization for Standardization;

(B) the voluntary standards-setting bodies that develop protocols for wireless devices and other equipment, such as the 3rd Generation Partnership Project and the Institute of Electrical and Electronics Engineers;

(C) any standards-setting body accredited by the American National Standards Institute or the Alliance for Telecommunications Industry Solutions; and

(D) specification-development organizations working on technical specifications that may eventually become incorporated in wireless standards.

(i) POWERS OF COUNCIL.—

(1) IN GENERAL.—The Council or, on the authorization of the Council, any panel thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, take such testimony, request such information, and call upon such experts as the Council may determine necessary or beneficial to the development of the strategy required under subsection (g).

(2) CONTRACTING.—The Council, subject to a majority vote approval, may, to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts to enable the Council to discharge its duties under this section.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Council may secure directly from any relevant executive department, agency, bureau, board, council, office, independent establishment, or instrumentality of the Federal Government information, suggestions, estimates, and statistics for the purposes of this section.

(B) REQUIREMENT TO SHARE INFORMATION.—Each such department, agency, bureau, board, council, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Council, upon request of the co-chairs of the Council.

(C) TREATMENT OF CLASSIFIED INFORMATION.—The Council shall—

(i) to the extent possible, avoid obtaining and using classified information in the course of its work; and

(ii) handle and protect all classified information provided to the Council under this section in accordance with applicable statutes and regulations.

(D) TREATMENT OF BUSINESS-SENSITIVE INFORMATION.—The Council shall—

(i) to the extent possible, avoid obtaining and using business-sensitive information, including trade secrets, and other competitively sensitive information; and

(ii) handle and protect all business-sensitive information provided to the Council under this section in accordance with applicable statutes, contracts, and regulations.

(E) PENALTIES FOR DISCLOSURE.—Any unauthorized disclosure of classified information or business-sensitive information by staff of the Council shall serve as grounds for dismissal from the Council.

(4) COOPERATION AMONG AGENCIES.—The Council shall receive the full and timely cooperation of any official, department, or agency of the Federal Government, including from the Department of State, the Department of Defense, and the Office of the United States Trade Representative, whose assistance is necessary, as jointly determined by the co-chairs of the Council, for the fulfillment of the duties of the Council, including the provision of full and current briefings and analyses.

(5) POSTAL SERVICES.—The Council may use the United States Postal Service in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(6) GIFTS.—No member or staff of the Council may receive a gift or benefit by reason of the service of such member or staff to the Council.

(j) STAFF OF COUNCIL.—

(1) IN GENERAL.—

(A) APPOINTMENT OF STAFF DIRECTOR AND OTHER PERSONNEL.—The co-chairs of the Council, in accordance with rules agreed upon by a majority of the Council, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Council to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) DETAILEES.—

(i) IN GENERAL.—Not more than 25 employees of the Federal Government may be detailed to the Council without reimbursement from the Council, and any such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(ii) MAJORITY APPROVAL.—The detail of an employee of the Federal Government to the Council under clause (i) shall be subject to approval by the majority of the Council.

(C) ASSISTANCE FROM FEDERAL AGENCIES.—

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

(ii) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance described in clause (i), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services subject to a majority approval of the Council and as may be authorized by law.

(D) APPLICATION OF ETHICS RULES.—For purposes of the Ethics in Government Act of 1978 (5 U.S.C. App.) and the STOCK Act (Public Law 112–105; 126 Stat. 291), the staff director and other personnel appointed pursuant to this subsection, including experts and consultants employed under paragraph (2), shall be deemed employees of Congress and subject to applicable House and Senate ethics rules.

(2) CONSULTANT SERVICES.—

(A) IN GENERAL.—The Council may procure the services of experts and, if determined necessary by a majority of the members of the Council, and subject to the evaluation under subsection (r)(1)(B), procure the services of expert 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 such title.

(B) PENALTIES FOR DISCLOSURE.—

(i) DISMISSAL.—Any unauthorized disclosure of business-sensitive information by a consultant shall serve as grounds for dismissal from the Council.

(ii) PROSECUTION.—It is the sense of Congress that any unauthorized disclosure of business-sensitive information by a consultant should be prosecuted to the fullest extent of the law.

(k) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), each member of the Council may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Council under this section.

(B) LIMITATION.—Members of the Council who are officers or employees of the Federal Government or Members of Congress shall receive no additional pay by reason of their service on the Council.

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

(3) ACCESS AFTER TERMINATION OF COUNCIL.—Notwithstanding any other provision of law, after the termination of the Council under subsection (m)(4), only the following individuals shall have access to information related to the national security of the United States that is received, considered, or used by the Council:

(A) Any member of Congress, and the designated staff of any member of Congress.

(B) Such other officials of the executive branch as the President may designate.

(l) WORKING GROUP.—

(1) IN GENERAL.—There is established a working group, which shall—

(A) provide information, data, and input to the Council at regular intervals and on key issues under consideration by the Council; and

(B) observe all actions of the Council.

(2) COMPOSITION.—The working group described in paragraph (1) shall be composed of 8 experts—

(A) chosen from—

(i) the private sector experienced in deploying and operating wireless communications networks and that expect to deploy 6G; and

(ii) the private sector researching and developing advanced wireless communications technologies; and

(iii) additional impacted stakeholders involved in deploying and operating advanced wireless communications technologies, including consideration of those involved with the labor and workforce, States, Indian Tribes, and localities, and academic research; and

(B) who shall be jointly appointed by—

(i) the Chair of the Federal Communications Commission;

(ii) the Commissioner of the Federal Communications Commission appointed to the Council under subsection (b)(1)(A)(iii); and

(iii) the Assistant Secretary of Commerce for Communications and Information.

(3) INPUT.—

(A) IN GENERAL.—The Council shall provide the members of the working group described in paragraph (1) the opportunity to review and comment on the work of the Council, including—

(i) the agenda of the Council;

(ii) any briefing materials or other informational documents prepared by the staff of the Council for the members of the Council;

(iii) each draft of the final report being developed under subsection (n), prior to the publication of the draft for public comment under paragraph (2) of that subsection; and

(iv) the final report being developed under subsection (n), prior to the publication of the final report for public comment under paragraph (2) of that subsection.

(B) PUBLICATION.—The Council shall include in any public notice related to the final report required under subsection (n), and in the final report, a summary of the comments provided by the working group under subparagraph (A).

(m) CONSULTATION.—The Council shall consult with and seek advice from—

(1) the Technical Advisory Council of the Federal Communications Commission; and

(2) the Commerce Spectrum Management Advisory Committee of the National Telecommunications and Information Administration.

(n) FINAL REPORT; TERMINATION.—

(1) FINAL REPORT.—Not later than 2 years after the date on which the Council is established, the Council shall submit to the congressional leaders and the appropriate congressional committees, and to any member of Congress upon request, a final report in compliance with the duties described in subsection (f) and containing the strategy described in subsection (g), so long as the report complies with the requirements of this section and has the support of not less than a majority of the members of the Council.

(2) DRAFTS.—The Council shall publish in the Federal Register—

(A) for public comment—

(i) each draft prepared by the Council of the report required under paragraph (1); and

(ii) the final report required under paragraph (1) prior to submission to Congress under that paragraph; and

(B) responses to any comments the Council receives under subparagraph (A) with respect to a draft or the final report.

(3) DISCLOSURE.—The Council shall—

(A) publish the final report required under paragraph (1) on the website of the National Telecommunications and Information Administration; and

(B) notice the publishing of the final report under subparagraph (A) in the Federal Register.

(4) TERMINATION.—

(A) IN GENERAL.—The Council, and all the authorities of this section, shall terminate at the end of the 120-day period beginning on

the date on which the final report is submitted to the congressional leaders and the appropriate congressional committees under paragraph (1).

(B) CONCLUSION OF ACTIVITIES.—The Council may use the 120-day period referred to in subparagraph (A) for the purposes of concluding its activities, including providing testimony to Congress concerning the final report referred to in that paragraph and disseminating the report.

(o) ASSESSMENTS OF FINAL REPORT.—Not later than 60 days after submission of the final report under subsection (m)(1), the Secretary of Commerce shall submit to the congressional leaders and the appropriate congressional committees, and to any member of Congress upon request, an assessment of the final report that includes comments on the findings and recommendations contained in the final report.

(p) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Council under this section.

(2) FREEDOM OF INFORMATION ACT.—The provisions of section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), shall not apply to the activities, records, and proceedings of the Council under this section.

(q) AUDITS AND ACCOUNTING.—Not later than 180 days after the date on which all members of the Council have been appointed under subsection (c)(1), and annually thereafter until the termination of the Council, the Council shall file with the appropriate congressional committees a detailed and complete accounting of—

(1) the spending by the Council of any appropriated funds;

(2) the staffing of the Council and their salaries, including any detailees assigned to the Council; and

(3) the work of the Council over the period covered by the report, including in particular efforts by the Council to conduct outreach to and solicit input from non-Federal entities on the work of the Council.

(r) MISCELLANEOUS MATTERS.—

(1) QUALIFICATIONS.—The co-chairs of the Council shall evaluate—

(A) the members and staff of the Council to ensure that all members and staff possess relevant subject matter expertise that will help advance the mission of the Council; and

(B) the members, staff, and consultants of the Council to avoid conflicts of interest, potential for espionage, and opportunities for self-dealing or corporate dealing.

(2) AUTHORITY.—The Council shall have no power to—

(A) prescribe regulations under section 553 of title 5, United States Code, or any other applicable law;

(B) issue guidance on how any Federal entity shall interpret or apply any existing law or regulation; or

(C) issue guidance on how any entity shall comply with any existing law or regulation.

(3) SAVINGS CLAUSES.—Nothing in this subtitle shall be interpreted or construed to—

(A) confer upon the Council any legislative, regulatory, or rulemaking authority with respect to any duties or responsibilities directly or indirectly assigned to the Council by this subtitle;

(B) alter, amend, adjust, or otherwise impact the jurisdiction of the Federal Communications Commission, the National Telecommunications and Information Administration, the Department of Commerce, and any other Federal agency with respect to any duties or responsibilities directly or indirectly assigned to the Council by this subtitle;

(C) confer upon any Federal agency the authority, obligation, duty, or responsibility to take action on any recommendations issued by the Council; or

(D) authorize any Federal agency to take action on any recommendation issued by the Council without first engaging in any regulatory or rulemaking process required by law the Federal agency.

(s) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000, to remain available until expended, to carry out this section.

(2) AVAILABILITY IN GENERAL.—Subject to paragraph (1), the Secretary of Commerce shall make available to the Council such amounts as the Council may require for purposes of the activities of the Council under this section.

(3) DURATION OF AVAILABILITY.—Amounts made available to the Council under paragraph (2) shall remain available until expended or until the date that the Council terminates under subsection (m)(4).

SA 6130. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. ADMINISTRATION OF RISK-BASED SURVEYS TO CERTAIN EDUCATIONAL INSTITUTIONS.

(a) DEVELOPMENT REQUIRED.—The Secretary of Defense, acting through the Voluntary Education Institutional Compliance Program of the Department of Defense, shall develop a risk-based survey for oversight of covered educational institutions.

(b) SCOPE.—

(1) IN GENERAL.—The scope of the risk-based survey developed under subsection (a) shall be determined by the Secretary.

(2) SPECIFIC ELEMENTS.—At a minimum, the scope determined under paragraph (1) shall include the following:

(A) Rapid increase or decrease in enrollment.

(B) Rapid increase in tuition and fees.

(C) Complaints tracked and published from students pursuing programs of education, based on severity or volume of the complaints.

(D) Student completion rates.

(E) Indicators of financial stability.

(F) Review of the advertising and recruiting practices of the educational institution, including those by third-party contractors of the educational institution.

(G) Matters for which the Federal Government or a State government brings an action in a court of competent jurisdiction against an educational institution, including matters in cases in which the Federal Government or the State comes to a settled agreement on such matters outside of the court.

(c) ACTION OR EVENT.—

(1) SUSPENSION.—If, pursuant to a risk-based survey under this section, the Secretary determines that an educational institution has experienced an action or event described in paragraph (2), the Secretary may suspend the participation of the institution in Department of Defense programs for a period of two years, or such other period as the Secretary determines appropriate.

(2) ACTION OR EVENT DESCRIBED.—An action or event described in this paragraph is any of the following:

(A) The receipt by an educational institution of payments under the heightened cash monitoring level 2 payment method pursuant to section 487(c)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1094).

(B) Punitive action taken by the Attorney General, the Federal Trade Commission, or any other Federal department or agency for misconduct or misleading marketing practices that would violate the standards defined by the Secretary of Veterans Affairs.

(C) Punitive action taken by a State against an educational institution.

(D) The loss, or risk of loss, by an educational institution of an accreditation from an accrediting agency or association, including notice of probation, suspension, an order to show cause relating to the educational institution's academic policies and practices or to its financial stability, or revocation of accreditation.

(E) The placement of an educational institution on provisional certification status by the Secretary of Education.

(d) DATABASE.—The Secretary shall establish a searchable database or use an existing system, as the Secretary considers appropriate, to serve as a central repository for information required for or collected during site visits for the risk-based survey developed under subsection (a), so as to improve future oversight of educational institutions.

(e) COVERED EDUCATIONAL INSTITUTION.—In this section, the term ''covered educational institution'' means an educational institution selected by the Secretary based on quantitative, publicly available metrics indicating risk designed to separate low-risk and high-risk institutions, to focus on high-risk institutions.

SA 6131. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. CERTIFICATION AND REPORT ON TOXIC EXPOSURES EXPERIENCED BY MEMBERS OF THE ARMED FORCES.

(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 Defense shall submit to Congress—

(1) a certification that members of the Armed Forces are not currently experiencing toxic exposures in connection with service in the Armed Forces; and

(2) a report on the toxic exposures experienced by members of the Armed Forces in connection with service in the Armed Forces during the one-year period preceding the date of the report.

(b) TOXIC EXPOSURE DEFINED.—In this section, the term ''toxic exposure'' has the meaning given such term in section 101(37) of title 38, United States Code.

SA 6132. Mr. KAINE (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:

SEC. ___. ELIMINATING SHORT-TERM EDUCATION LOAN PROGRAMS; WORKFORCE FEDERAL PELL GRANTS; TECHNICAL CORRECTIONS.

(a) ELIMINATING SHORT-TERM EDUCATION LOAN PROGRAMS.—Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended by adding at the end the following:

''(5) The Secretary shall eliminate the short-term education loan program, as authorized under paragraph (2), on the date that is 120 days after the date the Secretary establishes the application for Workforce Federal Pell Grants under section 401(k).''.

(b) TECHNICAL CORRECTIONS.—Section 481(d) of the Higher Education Act of 1965 (20 U.S.C. 1088(d)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking ''under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title,'' and inserting ''or any retired member of an Armed Force ordered to active duty''; and

(B) in subparagraph (B), by striking ''an Armed Force'' and inserting ''the uniformed services (as defined in section 101(a) of title 10, United States Code)''; and

(2) by striking paragraph (5) and inserting the following:

''(5) QUALIFYING NATIONAL GUARD DUTY.—The term 'qualifying National Guard duty during a war or other military operation or national emergency' means service as a member of the National Guard—

''(A) on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, other military operation, or a national emergency declared by the President and supported by Federal funds; or

''(B) on State active duty (as defined in section 4303 of title 38, United States Code) for a period of more than 30 consecutive days in connection with—

''(i) a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.); or

''(ii) 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).''.

(c) WORKFORCE FEDERAL PELL GRANT PROGRAM.—

(1) ELIGIBLE PROGRAM.—

(A) IN GENERAL.—Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended by adding at the end the following:

''(5) A program is an eligible program for purposes of only section 401(k) if it—

''(A) is a program of at least 150, and not more than 600, clock hours of instruction, or an equivalent number of credit hours, offered during a minimum of 8 weeks and not more than 15 weeks of instructional time ; and

''(B) meets the requirements of such section 401(k).''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in section 702 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260; 134 Stat. 3191) and in accordance with section 701(b) of such Act.

(2) STUDENT ELIGIBILITY.—

(A) IN GENERAL.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091), as amended by section 702 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended by adding at the end the following:

''(u) ELIGIBILITY FOR WORKFORCE FEDERAL PELL GRANTS.—In order to be eligible to receive a Workforce Federal Pell Grant under this title for any period of enrollment, a student—

''(1) shall meet all other eligibility requirements for a Federal Pell Grant except as provided in paragraphs (2) and (3);

''(2) notwithstanding the eligibility requirements with respect to the program of study, shall be enrolled, or accepted for enrollment, in an eligible program under section 481(b)(5) offered by an eligible institution of higher education, as defined in section 401(k)(1)(D); and

''(3) notwithstanding the eligibility requirements with respect to the first undergraduate postbaccalaureate course of study under section 401(d)(1), may have completed such first undergraduate postbaccalaureate course of study, but shall not have received a postbaccalaureate degree.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in section 702 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260; 134 Stat. 3191) and in accordance with section 701(b) of such Act.

(3) FEDERAL PELL GRANTS.—

(A) IN GENERAL.—Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a), as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended by adding at the end the following:

''(k) WORKFORCE FEDERAL PELL GRANT PROGRAM.—

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

''(A) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.

''(B) ELIGIBLE WORKFORCE DEVELOPMENT PROGRAM.—

''(i) IN GENERAL.—The term 'eligible workforce development program' means a career and technical education program at an eligible institution of higher education that—

''(I) meets the requirements of section 481(b)(5);

''(II) provides education aligned with the requirements of high-skill, high-wage, or in-demand industry sectors or occupations (including in non-traditional fields) in the State or local area in which the workforce development program is provided, as determined by—

''(aa) the State in which the program is provided, in consultation with a State board or local board that serves such State or local area;

''(bb) a State plan, as described in section 122(d)(13)(C) of the Carl D. Perkins Career and Technical Education Act of 2006;

''(cc) an industry or sector partnership; or

''(dd) a comprehensive local needs assessment, as described in section 134(c) of the Carl D. Perkins Career and Technical Education Act of 2006;

''(III) is a program—

''(aa) provided through an eligible training provider, as described under section 122(d) of the Workforce Innovation and Opportunity Act; and

''(bb) subject to the reporting requirements of section 116(d)(4) of the Workforce Innovation and Opportunity Act, or would be subject to such requirements except for a waiver issued to a State under section 189(i) of the Workforce Innovation and Opportunity Act;

''(IV) provides a student, upon completion of the program, with a recognized postsecondary credential that is stackable and portable across multiple employers and geographical areas, except that the Secretary may waive some of all of the requirements of this subclause if the Secretary determines that there are extenuating circumstances that justify such waiver;

''(V) not later than 18 months after the date the program has been approved as an eligible workforce development program under this subsection, has demonstrated that students who complete the program receive a median increase of 20 percent of total earnings as compared to total earnings of such students prior to enrolling in such program, in accordance with paragraph (2);

''(VI) publishes prominently on the website of the institution, and provides a written disclosure to each prospective student prior to entering into an enrollment agreement for such program (which each such student shall confirm receiving through a written affirmation prior to entering such enrollment agreement) containing, at a minimum, the following information calculated, as applicable, in accordance with paragraph (8):

''(aa) The required tuition and fees of the program.

''(bb) The difference between required tuition and fees described in item (aa) and any grant aid (which does not need to be repaid) provided to the student.

''(cc) The completion rate of the program.

''(dd) The employment rates of students who complete the program, measured at approximately 6 months and 1 year, respectively, after completion of the program.

''(ee) Total earnings of students who complete the program, calculated based on earnings approximately 6 months after completion of the program.

''(ff) Total earnings of students who do not complete the program, calculated based on earnings approximately 6 months after ceasing enrollment in the program.

''(gg) The ratio of the amount that is the difference between required tuition and fees and any grant aid provided to the student described in item (bb) to the total earnings of students described in item (ee).

''(hh) An explanation, in clear and plain language that shall be specified by the Secretary, of the ratio described in item (gg).

''(ii) In the case of a workforce development program that prepares students for a professional licensure or certification examination, the share of such students who pass such examinations;

''(VII) has been determined by the eligible institution of higher education (after validation of that determination by an industry or sector partnership or State, in consultation with a State board or local board) to provide academic content, an amount of instructional time, competencies, and a recognized postsecondary credential that are sufficient to—

''(aa) meet the hiring requirements of potential employers in the sectors or occupations described in subclause (II), including such requirements identified pursuant to a geographically applicable comprehensive local needs assessment (as described in section 134(c) of the Carl D. Perkins Career and Technical Education Act of 2006) or pursuant

to a State plan (as described in section 122(d)(13)(C) of the Carl D. Perkins Career and Technical Education Act of 2006); and

''(bb) satisfy any applicable educational prerequisite requirement for professional licensure or certification in the State or States in which the program is offered, so that a student who completes the program and seeks employment is qualified to practice or find employment in such sectors or occupations that the program prepares students to enter, including, if applicable, being qualified to take any relevant licensure or certification examinations that may be needed to practice such employment;

''(VIII) has been in operation for not less than 1 year prior to becoming an eligible workforce development program under this subsection;

''(IX) prepares students to pursue one or more related certificate or degree programs at one or more institutions of higher education (as defined in section 101) or a postsecondary vocational institutions (as defined in section 102(c)), which may include the eligible institution of higher education providing the eligible workforce development program, including—

''(aa) by ensuring the acceptability of the credits received under the workforce development program toward meeting such certificate or degree program requirements (such as through an articulation agreement as defined in section 486A); and

''(bb) by ensuring that a student who completes noncredit coursework in the workforce development program, upon completion of the workforce development program and enrollment in such a related certificate or degree program, will receive academic credit for such noncredit coursework that will be accepted toward meeting such certificate or degree program requirements;

''(X) is not offered exclusively through distance education or a correspondence course, except as determined by the Secretary to be necessary, on a temporary basis, in connection with a—

''(aa) major disaster or emergency declared by the President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

''(bb) national emergency declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.);

''(XI) includes counseling for students to—

''(aa) support each such student in achieving the student's education and career goals; and

''(bb) ensure that each such student receives information on—

''(AA) the sectors or occupations described in subclause (II) for which the workforce development program provides training (including the total earnings of students who have completed the program and are employed in such sectors or occupations, calculated based on earnings approximately 6 months after completion of the program);

''(BB) the related certificate or degree programs described in subclause (X) for which the workforce development program provides preparation; and

''(CC) other sources of financial aid or other assistance for any component of the student's cost of attendance (as defined in section 472);

''(XII) meets requirements that are applicable to a program of training to prepare students for gainful employment in a recognized occupation;

''(XIII) may include integrated education and training; and

''(XIV) may be offered as part of a program that—

''(aa) meets the requirements of section 484(d)(2);

''(bb) is part of a career pathway, as defined in section 3 of the Workforce Innovation and Opportunity Act; and

''(cc) is aligned to a program of study, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.

''(ii) APPROVAL BY THE SECRETARY.—In the case of a program that is seeking to establish initial eligibility as an eligible workforce development program under this subparagraph, the Secretary shall make a determination whether the program meets the requirements of this subparagraph not more than 120 days after the date on which such program is submitted for consideration as an eligible workforce development program. If the Secretary determines the program meets the requirements of this paragraph, the Secretary shall grant an initial period of approval of 2 years.

''(iii) RENEWAL OF APPROVAL BY THE SECRETARY.—An eligible workforce development program that desires to continue eligibility as an eligible workforce development program after the period of initial approval described in clause (ii), or the subsequent period described in this clause, shall submit a renewal application to the Secretary (with such information as the Secretary may require), not more than 270 days and not less than 180 days before the end of the previous approval period. If the Secretary determines the program meets such requirements, the Secretary shall grant another period of approval for 3 years.

''(iv) REVOCATION OF APPROVAL BY THE SECRETARY.—If at any time the Secretary determines that a program previously approved under clause (ii) or (iii) is no longer meeting any of the requirements of an eligible workforce development program described in this subsection, the Secretary—

''(I) shall deny a subsequent renewal of approval in accordance with clause (iii) for such program after the expiration of the approval period;

''(II) may withdraw approval for such program before the expiration of the approval period;

''(III) shall ensure students who enrolled in such programs have access to transcripts for completed coursework without a fee or monetary charge and without regard to any balance owed to the institution; and

''(IV) shall prohibit such program and any substantially similar program, from being considered an eligible workforce development program described in this subsection for a period of not less than 5 years.

''(v) ADDITIONAL STATE ASSURANCE.—The Secretary shall not determine that a program is an eligible workforce development program in accordance with clause (ii) unless the Secretary receives a certification from the State in which the eligible workforce development program is provided, containing an assurance that the program meets the requirements of subclauses (II) and (III) of clause (i).

''(C) TOTAL EARNINGS.—The term 'total earnings' means the median annualized earnings, calculated using earnings for a pay period, month, quarter, or other time period deemed appropriate by the Secretary.

''(D) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term 'eligible institution of higher education' means an institution of higher education (as defined in section 101) or a postsecondary vocational institution (as defined in section 102(c)) that—

''(i) is approved by an accrediting agency or association that meets the requirements of section 496(a)(4)(C);

''(ii) has not been a proprietary institution of higher education, as defined in section 102(b), within the previous 3 years; and

''(iii) has not been subject, during any of the preceding 5 years, to—

''(I) any suspension, emergency action, or termination of programs under this title;

''(II) any adverse action by the institution's accrediting agency or association; or

''(III) any action by the State to revoke a license or other authority to operate; and

''(iv) is in compliance with the requirements of this subsection.

''(E) WIOA DEFINITIONS.—The terms 'industry or sector partnership', 'in-demand industry sector or occupation', 'recognized postsecondary credential', 'local board', and 'State board' have the meanings given such terms in section 3 of the Workforce Innovation and Opportunity Act.

''(2) TOTAL EARNINGS INCREASE REQUIREMENT.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), as a condition of participation under this subsection, the Secretary shall, using the data collected under paragraph (8) and such other information as the Secretary may require, determine whether such workforce development program meets the requirements of paragraph (1)(B)(i)(V) with respect to whether the students who complete the program receive a median increase of 20 percent of such students' total earnings. For the purposes of this paragraph, the Secretary shall determine such percentage increase by calculating the difference between—

''(i) the total earnings of students who enroll in such program, calculated based on earnings approximately 6 months prior to enrollment; and

''(ii) the total earnings of students who complete such program, calculated based on earnings approximately 6 months after completing such program, subject to subparagraph (B).

''(B) EXCLUSION.—An eligible institution of higher education offering an eligible workforce development program for which the Secretary awards Workforce Federal Pell Grants under this subsection may exclude from the calculation under subparagraph (A)(ii) any students who are enrolled in an eligible program, as defined in section 481, at the time that earnings are evaluated under subparagraph (A)(ii).

''(C) DATE OF EFFECT.—The requirement under this paragraph shall take effect beginning on the date that is 18 months after the date the program has been approved as an eligible workforce development program under this subsection.

''(3) APPEAL OF EARNINGS INFORMATION.—The Secretary's determination under paragraph (2) may include an appeals process to permit workforce development programs to submit alternate earnings data (which may include discretionary earnings data or total earnings data), provided that such data are statistically rigorous, accurate, comparable, and representative of students who enroll in or complete the program, or both, as applicable.

''(4) AUTHORIZATION OF AWARDS.—For the award year beginning on July 1, 2024, and each subsequent award year, the Secretary shall award Federal Pell Grants to eligible students pursuant to section 484(u) in eligible workforce development programs (referred to as a 'Workforce Federal Pell Grant'). Each Workforce Federal Pell Grant awarded under this subsection shall have the same terms and conditions, and be awarded in the same manner, as other Federal Pell Grants awarded under subsection (b), except a student who is eligible to receive a Workforce Federal Pell Grant under this subsection is a student who meets the eligibility criteria in section 484(u).

''(5) AMOUNT OF AWARD.—The amount of a Workforce Federal Pell Grant for an eligible student shall be determined under subsection (b), except that a student who is eligible for

less than the minimum Federal Pell Grant because the eligible workforce development program is less than an academic year (in clock-hours and weeks of instructional time) may still be eligible for a Workforce Federal Pell Grant.

''(6) INCLUSION IN TOTAL ELIGIBILITY PERIOD.—Any period during which a student receives a Workforce Federal Pell Grant under this subsection shall be included in calculating the student's period of eligibility for Federal Pell Grants under subsection (d), and the eligibility requirements regarding students who are enrolled in an undergraduate program on less than a full-time basis shall similarly apply to students who are enrolled in an eligible workforce development program at an eligible institution of higher education on less than a full-time basis.

''(7) SAME PAYMENT PERIOD.—No student may for the same payment period receive both a Workforce Federal Pell Grant under this subsection and a Federal Pell Grant under this section.

''(8) INTERAGENCY DATA COORDINATION AND DATA COLLECTION.—

''(A) INTERAGENCY DATA COORDINATION.—The Secretary shall coordinate with the Secretary of Labor to ensure access to data necessary to implement this subsection that is not otherwise available to the Secretary, including such data related to indicators of performance collected under section 116 of the Workforce Innovation and Opportunity Act.

''(B) DATA ON ELIGIBLE WORKFORCE DEVELOPMENT PROGRAMS.—Except as provided under subparagraph (C), using data otherwise available to the Secretary to the greatest extent practicable to streamline reporting requirements and minimize reporting burdens, and in coordination with the National Center for Education Statistics, the Secretary of Labor, and each institution of higher education offering an eligible workforce development program for which the Secretary awards Workforce Federal Pell Grants under this subsection, the Secretary shall, on at least an annual basis, collect and publish data with respect to each such eligible workforce development program, including, at a minimum, the following:

''(i) The number and demographics of students who enroll in the program, disaggregated by—

''(I) sex;

''(II) race and ethnicity;

''(III) classification as a student with a disability;

''(IV) income quintile, as defined by the Secretary;

''(V) military or veteran benefit status;

''(VI) status as a first-time student or transfer student from another institution;

''(VII) status as a first generation college student;

''(VIII) status as parent or guardian of 1 or more dependent children;

''(IX) status as a confined or incarcerated individual, as defined under section 484(t)(1)(A); and

''(X) status as a recipient of a Workforce Federal Pell Grant.

''(ii) The number and demographics, disaggregated by the categories listed in clause (i), of students who—

''(I) complete the program; and

''(II) do not complete the program.

''(iii) The required tuition and fees of the program.

''(iv) The total earnings of students, disaggregated by the categories listed in clause (i), who—

''(I) complete the program, calculated based on earnings approximately 6 months after completing such program; and

''(II) do not complete the program, calculated based on earnings approximately 6 months after ceasing enrollment in such program.

''(v) Outcomes of the students who complete the program, disaggregated by the categories listed in clause (i), with respect to—

''(I) the median time to completion among such students;

''(II) the employment rates of such students, measured at approximately 6 months and 1 year, respectively, after completion of the eligible workforce development program;

''(III) in the case of a workforce development program that prepares students for a professional licensure or certification examination, the share of such students who pass such examinations;

''(IV) the share of such students who enroll in a certificate or degree program at the institution of higher education offering the eligible workforce development program within 1 year of completing such eligible workforce development program;

''(V) the share of such students who transfer to another institution of higher education within 1 year of completing the eligible workforce development program; and

''(VI) the share of such students who complete a subsequent certificate or degree program at any institution of higher education within 6 years of completing the eligible workforce development program.

''(C) EXCEPTIONS.—Notwithstanding any other provision of this paragraph—

''(i) if disclosure of disaggregated data under subparagraph (B) is prohibited from disclosure due to applicable privacy restrictions, the Secretary may take such steps as the Secretary determines necessary to provide meaningful disaggregated student demographic or outcome information, including by combining categories;

''(ii) an institution may submit, and the Secretary may publish, data required to be collected under subparagraph (B) that is obtained through a State Unemployment Insurance Agency or through other supplemental means, in lieu of any additional data collection, provided that such data are statistically rigorous, accurate, comparable, and representative;

''(iii) to the extent that another provision of this Act, or any regulation prescribed under this Act, requires the same reporting or collection of data that is required under subparagraph (B), the Secretary may consider the reporting under such provision or regulation to satisfy the requirements of subparagraph (B); and

''(iv) the Secretary, in consultation with the Secretary of Labor, may modify or waive the requirements to disaggregate data by the categories listed in subparagraph (B)(i) for data described in clauses (iv) and (v)(III) of subparagraph (B) to align with the reporting requirements of section 116(d)(4) of the Workforce Innovation and Opportunity Act, streamline reporting requirements, and minimize reporting burdens.

''(D) REPORT.—Not later than July 1, 2025, the Secretary shall—

''(i) submit 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 impact of eligible workforce development programs for which the Secretary awards Workforce Federal Pell Grants under this subsection, based on the most recent data collected under subparagraph (B); and

''(ii) make the report described in clause (i) available publicly on the website of the Department.''.

(B) PUBLICATION OF APPLICATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall publish the application for workforce development programs to submit for approval as eligible workforce development programs, as defined in subsection (k)(1)(B) of section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a), as added by subparagraph (A). The information required to determine eligibility in such application shall be consistent with the requirements described in such subsection (k)(1)(B).

(C) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260; 134 Stat. 3191) and in accordance with section 701(b) of such Act.

(D) IMPLEMENTATION.—In carrying out the amendments made by subparagraph (A), the Secretary of Education may waive the application of—

(i) the master calendar requirements under section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089); and

(ii) negotiated rulemaking under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a).

(E) STAKEHOLDER ENGAGEMENT.—If the Secretary of Education waives the application of negotiated rulemaking pursuant to subparagraph (D)(ii), the Secretary shall, to the greatest extent practicable, ensure stakeholder engagement in development the application, guidance, and regulations related to eligible workforce development programs, as defined in subsection (k)(1)(B) of section 401 of the Higher Education Act of 1964 (20 U.S.C. 1070a), as added by subparagraph (A).

(d) WORKFORCE INNOVATION AND OPPORTUNITY ACT AMENDMENT.—

(1) ELIGIBLE TRAINING PROVIDER REPORTS.—Section 116(d)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(d)(4)) is amended—

(A) in subparagraph (E), by striking ''and'' after the semicolon;

(B) in subparagraph (F), by striking the period and inserting ''; and''; and

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

''(G) for programs of study of an eligible provider participating in the Workforce Federal Pell Grant program under section 401(k) of the Higher Education Act of 1965, as added by section [_____] of the [_____ Act], such information related to employment and earnings as may be required under such subsection, including information relating to the total earnings increase under paragraph (2) of such subsection, except that the sanctions for failure to report under subsection (f)(1)(B) of this section shall not apply to this subparagraph.''.

(2) INTERAGENCY DATA COORDINATION.—Section 116(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(i)) is amended by adding at the end the following:

''(4) INTERAGENCY DATA COORDINATION FOR WORKFORCE FEDERAL PELL GRANT PROGRAM.—The Secretary of Labor shall coordinate with the Secretary of Education to ensure access to data necessary to implement section 401(k) of the Higher Education Act of 1965 (20 U.S.C. 1070a(k)), as added by section [_____] of the [_____ Act], that is not otherwise available to the Secretary of Education, which may include data related to unemployment insurance, wage information, employment-related outcomes, and indicators of performance collected under this section.''.

(e) ACCREDITING AGENCY RECOGNITION OF ELIGIBLE WORKFORCE DEVELOPMENT PROGRAMS.—Section 496(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a)(4)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) in subparagraph (B)(ii), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(C) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions of higher education participating in the Workforce Federal Pell Grant program under section 401(k), as added by section [_____] of the [_____ Act], such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that, with respect to such eligible workforce development programs (as defined in that subsection)—

''(i) the agency or association's standards include a process for determining if the institution has the capability to effectively offer an eligible workforce development program; and

''(ii) the agency or association requires a demonstration that the program—

''(I) has identified each recognized postsecondary credential offered in the relevant industry in the State or local area where the industry is located; and

''(II) provides academic content, an amount of instructional time, competencies, and a recognized postsecondary credential sufficient to satisfy any applicable educational requirement for professional licensure or certification in the State or States in which the program is offered, so that a student who completes the program and seeks employment is qualified to practice or find employment in the sectors or occupations that the program prepares students to enter, including, if applicable, being qualified to take any relevant licensure or certification examinations that may be needed to practice such employment.''.

(f) ADDITIONAL NACIQI REVIEW MEETINGS.—If necessary, the Secretary of Education shall hold additional meetings of the National Advisory Committee on Institutional Quality and Integrity through July 1, 2024 in order to evaluate additions to the scope of recognition of agencies or associations with respect to eligible workforce development programs as defined in section 401(k) of the Higher Education Act of 1965, as added by subsection (c)(3)(A) of this section, to prepare for implementation of the Workforce Federal Pell Grant program.

(g) ADMINISTRATIVE FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Labor, $75,000,000, for fiscal year 2023, to remain available until expended, to assist in carrying out activities relating to section 401(k) of the Higher Education Act of 1965, as added by this Act, and sections 116(d)(4)(G) and 116(i)(4) of the Workforce Innovation and Opportunity Act, as added by this Act, during fiscal years 2023 through 2031: *Provided*, That funds appropriated under this subsection may be used for carrying out such activities directly or through contracts, grants, subgrants and other arrangements, and may be used for Federal administrative costs relating to such activities. *Provided further*, That the Secretary of Labor may transfer funds appropriated under this subsection to accounts within the Department of Labor as necessary, as determined by the Secretary of Labor, to carry out such activities.

SA 6133. 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 appropriate place, insert the following:

SEC. ___. REAUTHORIZATION OF READ ACT.

Section 4(a) of the Reinforcing Education Accountability in Development Act (division A of Public Law 115–56; 22 U.S.C. 2151c note) is amended by striking ''during the following five fiscal years'' and inserting ''during the following ten fiscal years''.

SA 6134. Ms. BALDWIN (for Mr. PORTMAN (for himself and Ms. BALDWIN)) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. PREFERENCE FOR UNITED STATES INDUSTRY.

Section 308 of the Homeland Security Act of 2002 (6 U.S.C. 188) is amended by adding at the end the following:

''(d) PREFERENCE FOR UNITED STATES INDUSTRY.—

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

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

''(i) is a covered nation, as that term is defined in section 4872(d) of title 10, United States Code; or

''(ii) the Secretary determines is engaged in conduct that is detrimental to the national security of the United States.

''(B) FUNDING AGREEMENT; NONPROFIT ORGANIZATION; SUBJECT INVENTION.—The terms 'funding agreement', 'nonprofit organization', and 'subject invention' have the meanings given those terms in section 201 of title 35, United States Code.

''(C) MANUFACTURED SUBSTANTIALLY IN THE UNITED STATES.—The term 'manufactured substantially in the United States' means manufactured substantially from all articles, materials, or supplies mined, produced, or manufactured in the United States.

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

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

''(ii) the Committee on Homeland Security of the House of Representatives.

''(2) PREFERENCE.—Subject to the other provisions of this subsection, no firm or nonprofit organization which receives title to any subject invention developed under a funding agreement entered into with the Department and no assignee of any such firm or nonprofit organization shall grant the exclusive right to use or sell any subject invention unless the products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States.

''(3) WAIVERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in individual cases, the requirement for an agreement described in paragraph (2) may be waived by the Secretary upon a showing by the firm, nonprofit organization, or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

''(B) CONDITIONS ON WAIVERS GRANTED BY DEPARTMENT.—

''(i) BEFORE GRANT OF WAIVER.—Before granting a waiver under subparagraph (A), the Secretary shall—

''(I) consult with the relevant congressional committees regarding the decision of the Secretary to grant the waiver; and

''(II) comply with the procedures developed and implemented pursuant to section 70923(b)(2) of the Build America, Buy America Act (subtitle A of title IX of division G of Public Law 117–58).

''(ii) PROHIBITION ON GRANTING CERTAIN WAIVERS.—The Secretary may not grant a waiver under subparagraph (A) if, as a result of the waiver, products embodying the applicable subject invention, or produced through the use of the applicable subject invention, will be manufactured substantially in a country of concern.''.

SA 6135. Mr. SCHUMER (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 E of title VIII, add the following:

SEC. 875. PROHIBITION ON CERTAIN SEMICONDUCTOR PRODUCTS AND SERVICES.

(a) IN GENERAL.—Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 41 U.S.C. 3901 note prec.) is amended—

(1) in the section heading, by inserting ''**AND SEMICONDUCTOR PRODUCTS AND SERVICES**'' after ''**SERVICES OR EQUIPMENT**'';

(2) in subsection (a)(1), by inserting '', or covered semiconductor products or services,'' after ''equipment or services'' both places it appears; and

(3) in subsection (f)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

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

''(3) COVERED SEMICONDUCTOR PRODUCT OR SERVICES.—The term 'covered semiconductor product or services' means any of the following:

''(A) A product that incorporates a semiconductor product designed or produced by, or any service provided by, Semiconductor Manufacturing International Corporation (SMIC), ChangXin Memory Technologies (CXMT), or Yangtze Memory Technologies Corp. (YMTC) (or any subsidiary, affiliate, or successor of such entities).

''(B) Semiconductor products or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.''.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall—

(1) take effect with regard to the prohibition under subsection (a)(1)(A) of section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 on such date of enactment; and

(2) take effect with regard to the prohibitions under subsections (a)(1)(B) and (b)(1) of such section two years after such date of enactment.

SA 6136. Mr. PETERS (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 appropriate place, insert the following:

TITLE _____—SATELLITE CYBERSECURITY

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Satellite Cybersecurity Act''.

SEC. ___02. DEFINITIONS.

In this title:

(1) CLEARINGHOUSE.—The term ''clearinghouse'' means the commercial satellite system cybersecurity clearinghouse required to be developed and maintained under section ____04(b)(1) of this title.

(2) COMMERCIAL SATELLITE SYSTEM.—The term ''commercial satellite system''—

(A) means a system that—

(i) is owned or operated by a non-Federal entity based in the United States; and

(ii) is composed of not less than 1 earth satellite; and

(B) includes—

(i) any ground support infrastructure for each satellite in the system; and

(ii) any transmission link among and between any satellite in the system and any ground support infrastructure in the system.

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

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

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

SEC. ___03. REPORT ON COMMERCIAL SATELLITE CYBERSECURITY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the actions the Federal Government has taken to support the cybersecurity of commercial satellite systems, including as part of any action to address the cybersecurity of critical infrastructure sectors.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Space, Science, and Technology of the House of Representatives on the study conducted under subsection (a), which shall include information on—

(1) efforts of the Federal Government to—

(A) address or improve the cybersecurity of commercial satellite systems; and

(B) support related efforts with international entities or the private sector;

(2) the resources made available to the public by Federal agencies to address cybersecurity risks and threats to commercial satellite systems, including resources made available through the clearinghouse;

(3) the extent to which commercial satellite systems and the cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans;

(4) the extent to which Federal agencies are reliant on satellite systems owned wholly or in part or controlled by foreign entities, and how Federal agencies mitigate associated cybersecurity risks;

(5) the extent to which Federal agencies coordinate or duplicate authorities and take other actions focused on the cybersecurity of commercial satellite systems; and

(6) as determined appropriate by the Comptroller General of the United States, recommendations for further Federal action to support the cybersecurity of commercial satellite systems, including recommendations on information that should be shared through the clearinghouse.

(c) CONSULTATION.—In carrying out subsections (a) and (b), the Comptroller General of the United States shall coordinate with appropriate Federal agencies and organizations, including—

(1) the Department of Homeland Security;

(2) the Department of Commerce;

(3) the Department of Defense;

(4) the Department of Transportation;

(5) the Federal Communications Commission;

(6) the National Aeronautics and Space Administration;

(7) the National Executive Committee for Space-Based Positioning, Navigation, and Timing; and

(8) the National Space Council.

(d) BRIEFING.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall provide a briefing to the appropriate congressional committees on the study conducted under subsection (a).

(e) CLASSIFICATION.—The report made under subsection (b) shall be unclassified but may include a classified annex.

SEC. ___04. RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

(2) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ESTABLISHMENT OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY CLEARINGHOUSE.—

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Director shall develop and maintain a commercial satellite system cybersecurity clearinghouse.

(2) REQUIREMENTS.—The clearinghouse—

(A) shall be publicly available online;

(B) shall contain publicly available commercial satellite system cybersecurity resources, including the voluntary recommendations consolidated under subsection (c)(1);

(C) shall contain appropriate materials for reference by entities that develop, operate, or maintain commercial satellite systems;

(D) shall contain materials specifically aimed at assisting small business concerns with the secure development, operation, and maintenance of commercial satellite systems; and

(E) may contain controlled unclassified information distributed to commercial entities through a process determined appropriate by the Director.

(3) CONTENT MAINTENANCE.—The Director shall maintain current and relevant cybersecurity information on the clearinghouse.

(4) EXISTING PLATFORM OR WEBSITE.—To the extent practicable, the Director shall establish and maintain the clearinghouse using an online platform, a website, or a capability in existence as of the date of enactment of this Act.

(c) CONSOLIDATION OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY RECOMMENDATIONS.—

(1) IN GENERAL.—The Director shall consolidate voluntary cybersecurity recommendations designed to assist in the development, maintenance, and operation of commercial satellite systems.

(2) REQUIREMENTS.—The recommendations consolidated under paragraph (1) shall include materials appropriate for a public resource addressing the following:

(A) Risk-based, cybersecurity-informed engineering, including continuous monitoring and resiliency.

(B) Planning for retention or recovery of positive control of commercial satellite systems in the event of a cybersecurity incident.

(C) Protection against unauthorized access to vital commercial satellite system functions.

(D) Physical protection measures designed to reduce the vulnerabilities of a commercial satellite system's command, control, and telemetry receiver systems.

(E) Protection against jamming, eavesdropping, hijacking, computer network exploitation, spoofing, threats to optical satellite communications, and electromagnetic pulse.

(F) Security against threats throughout a commercial satellite system's mission lifetime.

(G) Management of supply chain risks that affect the cybersecurity of commercial satellite systems.

(H) Protection against vulnerabilities posed by ownership of commercial satellite systems or commercial satellite system companies by foreign entities.

(I) Protection against vulnerabilities posed by locating physical infrastructure, such as satellite ground control systems, in foreign countries.

(J) As appropriate, and as applicable pursuant to the maintenance requirement under subsection (b)(3), relevant findings and recommendations from the study conducted by the Comptroller General of the United States under section ____03(a).

(K) Any other recommendations to ensure the confidentiality, availability, and integrity of data residing on or in transit through commercial satellite systems.

(d) IMPLEMENTATION.—In implementing this section, the Director shall—

(1) to the extent practicable, carry out the implementation in partnership with the private sector;

(2) coordinate with—

(A) the National Space Council and the head of any other agency determined appropriate by the National Space Council; and

(B) the heads of appropriate Federal agencies with expertise and experience in satellite operations, including the entities described in section ___03(c) to enable the alignment of Federal efforts on commercial satellite system cybersecurity and, to the extent practicable, consistency in Federal recommendations relating to commercial satellite system cybersecurity; and

(3) consult with non-Federal entities developing commercial satellite systems or otherwise supporting the cybersecurity of commercial satellite systems, including private, consensus organizations that develop relevant standards.

(e) SUNSET AND REPORT.—

(1) IN GENERAL.—This section shall cease to have force or effect on the date that is 7 years after the date of the enactment of this Act.

(2) REPORT.—Not later than 6 years after the date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Space, Science, and Technology of the House of Representatives a report summarizing—

(A) any partnership with the private sector described in subsection (d)(1);

(B) any consultation with a non-Federal entity described in subsection (d)(3);

(C) the coordination carried out pursuant to subsection (d)(2);

(D) the establishment and maintenance of the clearinghouse pursuant to subsection (b);

(E) the recommendations consolidated pursuant to subsection (c)(1); and

(F) any feedback received by the Director on the clearinghouse from non-Federal entities.

SEC. ___05. STRATEGY.

Not later than 120 days after the date of the enactment of this Act, the National Space Council, in coordination with the Director of the Office of Space Commerce and the heads of other relevant agencies, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Space, Science, and Technology and the Committee on Homeland Security of the House of Representatives a strategy for the activities of Federal agencies to address and improve the cybersecurity of commercial satellite systems, which shall include an identification of—

(1) proposed roles and responsibilities for relevant agencies; and

(2) as applicable, the extent to which cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans.

SEC. ___06. RULES OF CONSTRUCTION.

Nothing in this title shall be construed to—

(1) designate commercial satellite systems or other space assets as a critical infrastructure sector; or

(2) infringe upon or alter the authorities of the agencies described in section ___03(c) .

SA 6137. Mr. PADILLA (for himself 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 end of subtitle G of title X, add the following:

SEC. 1077. TRANSPORTATION DEMAND MANAGEMENT.

Section 101(a) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (32) through (36) as paragraphs (33) through (37), respectively; and

(2) by inserting after paragraph (31) the following:

''(32) TRANSPORTATION DEMAND MANAGEMENT.—The term 'transportation demand management' means the use of strategies to inform and encourage travelers to maximize the efficiency of a transportation system, leading to improved mobility, reduced congestion, and lower vehicle emissions, including strategies that use planning, programs, policies, marketing, communications, incentives, pricing, data, and technology.''.

SA 6138. Mr. SCHATZ (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 appropriate place, insert the following:

SEC. _____. AIR TOUR AND SPORT PARACHUTING SAFETY IMPROVEMENT.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(3) COMMERCIAL AIR TOUR.—The term ''commercial air tour'' means a flight conducted for compensation or hire in an airplane or helicopter where a purpose of the flight is sightseeing.

(4) COMMERCIAL AIR TOUR OPERATOR.—The term ''commercial air tour operator'' means any person who conducts a commercial air tour.

(5) PARACHUTE OPERATION.—The term ''parachute operation'' has the meaning given that term in section 105.3 of title 14, Code of Federal Regulations (or any successor regulation).

(b) SAFETY MANAGEMENT SYSTEM REQUIREMENTS FOR CERTAIN OPERATORS.—Not later than 24 months after the date of enactment of this section, the Administrator shall issue a final rule requiring each person holding a certificate under part 119 of title 14, Code of Federal Regulations, and authorized to conduct operations in accordance with the provisions of part 135 of title 14, Code of Federal Regulations, to implement a safety management system, as appropriate for the operations.

(c) OTHER SAFETY REQUIREMENTS FOR COMMERCIAL OPERATORS.—

(1) SAFETY REFORMS.—

(A) PART 121 OR PART 135 CERTIFICATE REQUIRED FOR COMMERCIAL AIR TOURS.—

(i) IN GENERAL.—Beginning on the date that is 3 years after the date of enactment of this section, no person may conduct commercial air tours unless that person—

(I) holds a certificate identifying the person as an air carrier or commercial operator under part 119 of title 14, Code of Federal Regulations; and

(II) conducts all commercial air tours under the applicable provisions of part 121 or part 135 of title 14, Code of Federal Regulations.

(ii) EXCLUSION.—Clause (i) shall not apply to a person that conducts fewer than 50 commercial air tours in a calendar year.

(iii) REPORTING REQUIRED.—Beginning on the date that is 3 years after the date of enactment of this section, and every 12 months thereafter, each person that conducts commercial air tours (including any person excluded from the certificate requirement under clause (ii)) shall report to the Administrator the total number of commercial air tours that person conducted during the previous 12 months.

(iv) OTHER TERMS.—The Administrator shall—

(I) revise title 14, Code of Federal Regulations, to include definitions for the terms ''aerial work'' and ''aerial photography'' that are limited to aerial operations performed for compensation or hire with an approved operating certificate; and

(II) to the extent necessary, revise section 119.1(e)(4)(iii) of title 14, Code of Federal Regulations, to conform with the requirements of such definitions.

(B) ADDITIONAL SAFETY REQUIREMENTS.—Not later than 3 years after the date of enactment of this section, the Administrator shall issue new or revised regulations that shall require all certificated commercial air tour operators to incorporate avoidance training for controlled flight into terrain and in-flight loss of control into the training program required under part 121 or 135 of title 14, Code of Federal Regulations, as applicable. The training shall especially address reducing the risk of accidents involving unintentional flight into instrument meteorological conditions to address day, night, and low visibility environments with special attention paid to research available as of the date of enactment of this section on human factors issues involved in such accidents, including but not limited to—

(i) specific terrain, weather, and infrastructure challenges relevant in the local operating environment that increase the risk of such accidents;

(ii) pilot decision-making relevant to the avoidance of instrument meteorological conditions while operating under visual flight rules;

(iii) use of terrain awareness displays;

(iv) spatial disorientation risk factors and countermeasures; and

(v) strategies for maintaining control, including the use of automated systems.

(2) AVIATION RULEMAKING COMMITTEE.—

(A) IN GENERAL.—The Administrator, shall convene an aviation rulemaking committee to review and develop findings and recommendations to inform—

(i) establishing a performance-based standard for flight data monitoring for all commercial air tour operators that reviews all available data sources to identify deviations from established areas of operation and potential safety issues;

(ii) requiring all commercial air tour operators to install flight data recording devices capable of supporting collection and dissemination of the data incorporated in the Flight Operational Quality Assurance Program (or, if an aircraft cannot practically be retrofitted with such equipment, requiring the commercial air tour operator for such aircraft to collect and maintain flight data through alternative methods);

(iii) requiring all commercial air tour operators to implement a flight data monitoring program, such as a Flight Operational Quality Assurance Program;

(iv) establishing methods to provide effective terrain awareness and warning; and

(v) establishing methods to provide effective traffic avoidance in identified high-traffic tour areas, such as requiring air tour operators that operate within those areas be equipped with an Automatic Dependent Surveillance-Broadcast Out- and In-supported traffic advisory system that—

(I) includes both visual and aural alerts;

(II) is driven by an algorithm designed to eliminate nuisance alerts; and

(III) is operational during all flight operations.

(B) MEMBERSHIP.—The aviation rulemaking committee shall consist of members appointed by the Administrator, including—

(i) representatives of industry, including manufacturers of aircraft and aircraft technologies;

(ii) representatives of aviation operator organizations; and

(iii) aviation safety experts with specific knowledge of safety management systems and flight data monitoring programs under part 135 of title 14, Code of Federal Regulations.

(C) DUTIES.—

(i) IN GENERAL.—The Administrator shall direct the aviation rulemaking committee to make findings and submit recommendations regarding each of the matters specified in clauses (i) through (v) of subparagraph (A).

(ii) CONSIDERATIONS.—In carrying out its duties under clause (i), the Administrator shall direct the aviation rulemaking committee to consider—

(I) recommendations of the National Transportation Safety Board;

(II) recommendations of previous aviation rulemaking committees that reviewed flight data monitoring program requirements on part 135 commercial operators;

(III) recommendations from industry safety organizations, including but not limited to the International Helicopter Safety Foundation (IHSF) and the United States Helicopter Safety Team (USHST);

(IV) scientific data derived from a broad range of flight data recording technologies capable of continuously transmitting and that support a measurable and viable means of assessing data to identify and correct hazardous trends;

(V) appropriate use of data for modifying behavior to prevent accidents;

(VI) the need to accommodate technological advancements in flight data recording technology;

(VII) data gathered from aviation safety reporting programs;

(VIII) appropriate methods to provide effective terrain awareness and warning system (TAWS) protections while mitigating nuisance alerts for aircraft;

(IX) the need to accommodate the diversity of airworthiness standards under part 27 and part 29 of title 14, Code of Federal Regulations;

(X) the need to accommodate diversity of operations and mission sets;

(XI) benefits of third-party data analysis for large and small operations;

(XII) accommodations necessary for small businesses; and

(XIII) other issues as necessary.

(D) REPORTS AND REGULATIONS.—The Administrator shall—

(i) not later than 20 months after the date of enactment of this section, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report based on the findings of the aviation rulemaking committee;

(ii) not later than 12 months after the date of submission of the report under clause (i), and after consideration of the recommendations of the aviation rulemaking committee, issue an intent to proceed with proposed rulemakings regarding each of the matters specified in clauses (i) through (v) of subparagraph (A); and

(iii) not later than 3 years after the date of enactment of this section, issue a final rule with respect to each of the matters specified in such clauses of subparagraph (A).

(d) EXPEDITED PROCESS FOR OBTAINING CERTIFICATES.—

(1) IN GENERAL.—The Administrator shall implement procedures to improve the process for obtaining operating certificates under part 119 of title 14, Code of Federal Regulations.

(2) CONSIDERATIONS.—In carrying out paragraph (1), beginning on the date that is 18 months after the date of enactment of this section, the Administrator shall give priority consideration to operators that must obtain a certificate in accordance with subsection (c)(1)(A).

(3) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this section, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) how the procedures implemented under paragraph (1) will increase the efficiency of the process for obtaining operating certificates under part 135 and part 119 of title 14, Code of Federal Regulations;

(B) how considerations under paragraph (2) will be incorporated into procedures implemented under paragraph (1); and

(C) any additional resources required to implement procedures under paragraph (1).

(4) ADDITIONAL REPORTS REQUIRED.—Not later than 3 years after the date of enactment of this section, and annually thereafter the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) includes—

(i) data on certification approvals and denials; and

(ii) data on duration of key phases of the certification process; and

(B) identifies certification policies in need of reform or repeal.

(e) SAFETY REQUIREMENTS FOR SPORT PARACHUTE OPERATIONS.—

(1) AVIATION RULEMAKING COMMITTEE.—The Administrator, shall convene an aviation rulemaking committee to review and develop findings and recommendations to inform—

(A) rulemaking governing parachute operations conducted in the United States that are subject to the requirements of part 105 of title 14, Code of Federal Regulations, to address—

(i) Federal Aviation Administration-approved aircraft maintenance and inspection programs that consider requirements based on engine manufacturers' recommended maintenance instructions, such as service bulletins and service information letters for time between overhauls and component life limits;

(ii) initial and annual recurrent pilot proficiency checking programs for pilots conducting parachute operations that address, at a minimum, operation- and aircraft-specific weight and balance calculations, preflight inspections, emergency and recovery procedures, and parachutist egress procedures for each type of aircraft flown; and

(iii) initial and annual recurrent pilot review programs for parachute operations pilots that address, at a minimum, operation-specific and aircraft-specific weight and balance calculations, preflight inspections, emergency and recovery procedures, and parachutist egress procedures for each type of aircraft flown, as well as competency flight checks to determine pilot competence in practical skills and techniques in each type of aircraft;

(B) the revision of guidance material contained in Advisory Circular 105-2E (relating to sport parachute jumping), to include guidance for parachute operations in implementing the Federal Aviation Administration-approved aircraft maintenance and inspection program and the pilot training and pilot proficiency checking programs required under any new or revised regulations issued in accordance with subparagraph (A); and

(C) the revision of guidance materials issued in Order 8900.1 entitled ''Flight Standards Information Management System'', to include guidance for Federal Aviation Administration inspectors who oversee part 91 of title 14 Code of Federal Regulations, operations conducted under any of the exceptions specified in section 119.1(e) of title 14, Code of Federal Regulations, which include parachute operations.

(2) MEMBERSHIP.—The aviation rulemaking committee shall consist of members appointed by the Administrator, including—

(A) representatives of industry, including manufacturers of aircraft and aircraft technologies;

(B) representatives of parachute operator organizations; and

(C) aviation safety experts with specific knowledge of safety management systems and flight data monitoring programs under part 135 and part 105 of title 14, Code of Federal Regulations.

(3) DUTIES.—

(A) IN GENERAL.—The Administrator shall direct the aviation rulemaking committee to make findings and submit recommendations regarding each of the matters specified in subparagraphs (A) through (C) of paragraph (1).

(B) CONSIDERATIONS.—In carrying out its duties under subparagraph (A), the Administrator shall direct the aviation rulemaking committee to consider—

(i) findings and recommendations of the National Transportation Safety Board generally as relevant and specifically those related to parachute operations, including the June 21, 2019, incident in Mokuleia, Hawaii;

(ii) recommendations of previous aviation rulemaking committees that considered similar issues;

(iii) recommendations from industry safety organizations, including, but not limited to, the United States Parachute Association;

(iv) appropriate use of data for modifying behavior to prevent accidents;

(v) data gathered from aviation safety reporting programs;

(vi) the need to accommodate diversity of operations and mission sets;

(vii) accommodations necessary for small businesses; and

(viii) other issues as necessary.

(4) REPORTS AND REGULATIONS.—The Administrator shall—

(A) not later than 20 months after the date of enactment of this section, submit a report based on the findings of the aviation rulemaking committee to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives;

(B) not later than 12 months after the date of submission of the report under subparagraph (A), and after consideration of the recommendations of the aviation rulemaking committee, issue an intent to proceed with proposed rulemakings regarding each of the matters specified in subparagraphs (A) through (C) of paragraph (1); and

(C) not later than 3 years after the date of enactment of this section, issue a final rule with respect to each of the matters specified in such subparagraphs of paragraph (1).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator, to remain available until expended, such sums as necessary to carry out this section.

SA 6139. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. CRITICAL MINERAL SUPPLY CHAIN INDEPENDENCE FROM GEOSTRATEGIC COMPETITORS AND ADVERSARIES.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to expand mining and processing of critical minerals, including rare earth elements, in the United States and in allied countries to meet the needs of the United States defense sector so that Department of Defense will achieve critical mineral supply chain independence by 2027;

(2) that the Department of Defense will procure critical minerals processed by the United States and allied countries to replenish and expand the National Defense Stockpile to meet growing geopolitical threats by 2027; and

(3) to develop critical mineral supply chains for the Department of Defense that are not dependent on mining or processing of critical minerals in countries that are geostrategic competitors or adversaries of the United States.

(b) REPORT ON UNITED STATES AND ALLIED PROCESSING OF CRITICAL MINERALS REQUIRED TO ACHIEVE DEFENSE SUPPLY CHAIN INDEPENDENCE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate committees of Congress a report on the processing by the United States and allied countries of critical minerals, including rare earth elements, required to achieve supply chain independence for the United States Armed Forces and allied countries by 2027.

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

(A) An estimate of the annual demand for processed critical minerals for the United States Armed Forces and allied countries.

(B) An outline of the necessary processed critical minerals value chain required to support the needs of the Department of Defense.

(C) An assessment of any gaps in the outline described in subparagraph (B), indicating where sufficient United States processing capacity exists and where such capacity does not exist.

(D) An identification of any Federal funds, including any funds made available under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.), being deployed, as of the date of the report, to support development of United States capacity to address those gaps.

(E) An estimate of the additional capital investment required to grow and operate sufficient United States capacity to address those gaps.

(F) An estimate of the annual funding necessary for the Department of Defense to procure critical minerals processed in the United States sufficient to meet the annual needs of the Department, including consideration of increased investments from private sector capital.

(G) An estimate of the cost difference between the Department of Defense—

(i) sourcing critical minerals processed by the United States;

(ii) sourcing critical minerals processed by allied countries; and

(iii) sourcing critical minerals on the open market.

(H) An assessment of what changes, if any, are necessary to the acquisition policies of the Department of Defense to ensure weapon suppliers use critical minerals processed by the United States or allied countries.

(I) An assessment of what changes, if any, to authorities under title III of the Defense Production Act of 1950 are necessary to enter into a long-term offtake agreement with respect to critical minerals processed by the United States or allied countries.

(J) An assessment of the duration of potential contracts necessary to prevent the collapse of United States processing of critical minerals in the event of price fluctuations resulting from increases in the export quota of the People's Republic of China.

(K) Recommendations for international cooperation with allied countries to jointly reduce dependence on critical minerals processed in or by the People's Republic of China.

(c) STRATEGY TO TRANSITION THE SUPPLY CHAIN FOR THE NATIONAL DEFENSE STOCKPILE TO UNITED STATES AND ALLIED-PROCESSED CRITICAL MINERALS BY 2027.—

(1) IN GENERAL.—Not later than 90 days after the report required by subsection (b) is submitted, the Director of the Defense Logistics Agency, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, shall develop, and submit to the appropriate committees of Congress, a strategy to transition the supply chain for critical minerals, including rare earths elements, in the National Defense Stockpile away from reliance on geostrategic competitors and adversaries of the United States by 2027, through acquisition of critical minerals processed by—

(A) the United States, with a preference given to critical minerals processed in the United States; or

(B) allied countries (excluding critical minerals processed in a country that is a geostrategic competitor or adversary of the United States), with preference given to critical minerals processed in such countries.

(2) FORECASTED NEED OF CRITICAL MINERALS.—The strategy required by paragraph (1) shall be designed to meet the forecasted need for critical minerals of the Department of Defense through calendar year 2027 for—

(A) planned procurements;

(B) anticipated adoption of emerging technology; and

(C) potential increases in the National Defense Stockpile that would be needed if the Department implements the guidance included in the Climate Adaptation Action Plan of the Department of Defense, dated September 2021.

(3) ELEMENTS.—The strategy required by paragraph (1) shall include the following:

(A) A list of critical minerals in the National Defense Stockpile.

(B) A priority ranking for transitioning the critical minerals on the list required by subparagraph (A), developed using, for each such mineral—

(i) the percentage of the mineral processed by foreign sources (excluding allied countries);

(ii) the percentage of operational processing facilities for the mineral located in the United States and in allied countries, compared to foreign sources of the mineral (excluding allied countries);

(iii) the quantity of the mineral required to fulfill the purposes set forth in section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a); and

(iv) any other metric, as determined by the Director and the Under Secretary, that may be an indicator of reliance on foreign sources (excluding allied countries) for the mineral.

(C) A process to replenish 50 percent of each mineral on the list required by subparagraph (A) with the mineral processed by United States or allied country processors during the 1-year period after implementation of the strategy.

(D) A process to replenish 95 percent of each mineral on the list required by subparagraph (A) with the mineral processed by United States or allied country processors during the 3-year period after implementation of the strategy.

(E) Recommendations to Congress with respect to any authorities needed to implement the strategy.

(F) Any other matters related to implementing the strategy as the Director and the Under Secretary consider appropriate.

(4) IMPLEMENTATION.—The Director and the Under Secretary shall—

(A) coordinate the implementation of the processes required by subparagraphs (C) and (D) of paragraph (3) with the Department of Defense and activities carried out by the Department under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.); and

(B) to the greatest extent practicable, implement the strategy required by paragraph (1) with respect to acquisition of critical minerals for the National Defense Stockpile with funds authorized to be appropriated by this Act.

(5) BRIEFINGS REQUIRED.—Not later than 180 days after the submission of the strategy required by paragraph (1), and every 180 days thereafter, the Director and the Under Secretary shall brief the appropriate committees of Congress on implementation of the strategy.

(d) FORM OF REPORT AND STRATEGY.—The report required by subsection (b) and the strategy required by subsection (c) shall be submitted in classified form but shall include an unclassified summary.

(e) DEFINITIONS.—In this section:

(1) ALLIED COUNTRY.—The term ''allied country'' means—

(A) a country of the national technology and industrial base, as defined in section 4801 of title 10, United States Code; or

(B) another country that is an ally of the United States and is identified by the Secretary of Defense for purposes of this section.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Energy and Natural Resources, the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Natural Resources, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Financial Services of the House of Representatives.

(3) CRITICAL MINERAL.—The term ''critical mineral'' has the meaning given that term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

SA 6140. Mr. TOOMEY (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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—Masih Alinejad HUNT Act of 2022

SEC. 1281. SHORT TITLE.

This title may be cited as the ''Masih Alinejad Harassment and Unlawful Targeting Act of 2022'' or the ''Masih Alinejad HUNT Act of 2022''.

SEC. 1282. FINDINGS.

Congress finds that the Government of the Islamic Republic of Iran surveils, harasses, terrorizes, tortures, abducts, and murders individuals who peacefully defend human rights and freedoms in Iran, and innocent entities and individuals considered by the Government of Iran to be enemies of that regime, including United States citizens on United States soil, and takes foreign nationals hostage, including in the following instances:

(1) In 2021, Iranian intelligence agents were indicted for plotting to kidnap United States citizen, women's rights activist, and journalist Masih Alinejad, from her home in New York City, in retaliation for exercising her rights under the First Amendment to the Constitution of the United States. Iranian agents allegedly spent at least approximately half a million dollars to capture the outspoken critic of the authoritarianism of the Government of Iran, and studied evacuating her by military-style speedboats to Venezuela before rendition to Iran.

(2) Prior to the New York kidnapping plot, Ms. Alinejad's family in Iran was instructed by authorities to lure Ms. Alinejad to Turkey. In an attempt to intimidate her into silence, the Government of Iran arrested 3 of Ms. Alinejad's family members in 2019, and sentenced her brother to 8 years in prison for refusing to denounce her.

(3) According to Federal prosecutors, the same Iranian intelligence network that allegedly plotted to kidnap Ms. Alinejad is also targeting critics of the Government of Iran who live in Canada, the United Kingdom, and the United Arab Emirates.

(4) In 2021, an Iranian diplomat was convicted in Belgium of attempting to carry out a 2018 bombing of a dissident rally in France.

(5) In 2021, a Danish high court found a Norwegian citizen of Iranian descent guilty of illegal espionage and complicity in a failed plot to kill an Iranian Arab dissident figure in Denmark.

(6) In 2021, the British Broadcasting Corporation (BBC) appealed to the United Nations to protect BBC Persian employees in London who suffer regular harassment and threats of kidnapping by Iranian government agents.

(7) In 2021, 15 militants allegedly working on behalf of the Government of Iran were arrested in Ethiopia for plotting to attack citizens of Israel, the United States, and the United Arab Emirates, according to United States officials.

(8) In 2020, Iranian agents allegedly kidnapped United States resident and Iranian-German journalist Jamshid Sharmahd, while he was traveling to India through Dubai. Iranian authorities announced they had seized Mr. Sharmahd in ''a complex operation'', and paraded him blindfolded on state television. Mr. Sharmahd is arbitrarily detained in Iran, allegedly facing the death penalty. In 2009, Mr. Sharmahd was the target of an alleged Iran-directed assassination plot in Glendora, California.

(9) In 2020, the Government of Turkey released counterterrorism files exposing how Iranian authorities allegedly collaborated with drug gangs to kidnap Habib Chabi, an Iranian-Swedish activist for Iran's Arab minority. In 2020, the Government of Iran allegedly lured Mr. Chabi to Istanbul through a female agent posing as a potential lover. Mr. Chabi was then allegedly kidnapped from Istanbul, and smuggled into Iran where he faces execution, following a sham trial.

(10) In 2020, a United States-Iranian citizen and an Iranian resident of California pleaded guilty to charges of acting as illegal agents of the Government of Iran by surveilling Jewish student facilities, including the Hillel Center and Rohr Chabad Center at the University of Chicago, in addition to surveilling and collecting identifying information about United States citizens and nationals who are critical of the Iranian regime.

(11) In 2019, 2 Iranian intelligence officers at the Iranian consulate in Turkey allegedly orchestrated the assassination of Iranian dissident journalist Masoud Molavi Vardanjani, who was shot while walking with a friend in Istanbul. Unbeknownst to Mr. Molavi, his ''friend'' was in fact an undercover Iranian agent and the leader of the killing squad, according to a Turkish police report.

(12) In 2019, around 1,500 people were allegedly killed amid a less than 2 week crackdown by security forces on anti-government protests across Iran, including at least an alleged 23 children and 400 women.

(13) In 2019, Iranian operatives allegedly lured Paris-based Iranian journalist Ruhollah Zam to Iraq, where he was abducted, and hanged in Iran for sedition.

(14) In 2019, a Kurdistan regional court convicted an Iranian female for trying to lure Voice of America reporter Ali Javanmardi to a hotel room in Irbil, as part of a foiled Iranian intelligence plot to kidnap and extradite Mr. Javanmardi, a critic of the Government of Iran.

(15) In 2019, Federal Bureau of Investigation agents visited the rural Connecticut home of Iran-born United States author and poet Roya Hakakian to warn her that she was the target of an assassination plot orchestrated by the Government of Iran.

(16) In 2019, the Government of the Netherlands accused the Government of Iran of directing the assassination of Iranian Arab activist Ahmad Mola Nissi, in The Hague, and the assassination of another opposition figure, Reza Kolahi Samadi, who was murdered near Amsterdam in 2015.

(17) In 2018, German security forces searched for 10 alleged spies who were working for Iran's al-Quds Force to collect information on targets related to the local Jewish community, including kindergartens.

(18) In 2017, Germany convicted a Pakistani man for working as an Iranian agent to spy on targets including a former German lawmaker and a French-Israeli economics professor.

(19) In 2012, an Iranian American pleaded guilty to conspiring with members of the Iranian military to bomb a popular Washington, DC, restaurant with the aim of assassinating the ambassador of Saudi Arabia to the United States.

(20) In 1996, agents of the Government of Iran allegedly assassinated 5 Iranian dissident exiles across Turkey, Pakistan, and Baghdad, over a 5-month period that year.

(21) In 1992, the Foreign and Commonwealth Office of the United Kingdom expelled 2 Iranians employed at the Iranian Embassy in London and a third Iranian on a student visa amid allegations they were plotting to kill Indian-born British American novelist Salman Rushdie, pursuant to the fatwa issued by then supreme leader of Iran, Ayatollah Ruhollah Khomeini.

(22) In 1992, 4 Iranian Kurdish dissidents were assassinated at a restaurant in Berlin, Germany, allegedly by Iranian agents.

(23) In 1992, singer, actor, poet, and gay Iranian dissident Fereydoun Farrokhzad was found dead with multiple stab wounds in his apartment in Germany. His death is allegedly the work of Iran-directed agents.

(24) In 1980, Ali Akbar Tabatabaei, a leading critic of Iran and then president of the Iran Freedom Foundation, was murdered in front of his Bethesda, Maryland, home by an assassin disguised as a postal courier. The Federal Bureau of Investigation had identified the ''mailman'' as Dawud Salahuddin, born David Theodore Belfield. Mr. Salahuddin was working as a security guard at an Iranian interest office in Washington, DC, when he claims he accepted the assignment and payment of $5,000 from the Government of Iran to kill Mr. Tabatabaei.

(25) Other exiled Iranian dissidents alleged to have been victims of the Government of Iran's murderous extraterritorial campaign include Shahriar Shafiq, Shapour Bakhtiar, and Gholam Ali Oveissi.

(26) Iranian Americans face an ongoing campaign of intimidation both in the virtual and physical world by agents and affiliates of the Government of Iran, which aims to stifle freedom of expression and eliminate the threat Iranian authorities believe democracy, justice, and gender equality pose to their rule.

SEC. 1283. DEFINITIONS.

In this title:

(1) ADMISSION; ADMITTED; ALIEN.—The terms ''admission'', ''admitted'', and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

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

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and Permanent Select Committee on Intelligence of the House of Representatives.

(3) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''correspondent account'' and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(4) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(5) FOREIGN PERSON.—The term ''foreign person'' means any individual or entity that is not a United States person.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1284. REPORT AND IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN ABUSES TOWARD DISSIDENTS ON BEHALF OF THE GOVERNMENT OF IRAN.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the Attorney General, shall submit to the appropriate congressional committees a report that—

(A) includes a detailed description and assessment of—

(i) the state of human rights and the rule of law inside Iran, including the rights and well-being of women, religious and ethnic minorities, and the LGBTQ community in Iran;

(ii) actions taken by the Government of Iran during the year preceding submission of the report to target and silence dissidents both inside and outside of Iran who advocate for human rights inside Iran;

(iii) the methods used by the Government of Iran to target and silence dissidents both inside and outside of Iran; and

(iv) the means through which the Government of Iran finances efforts to target and silence dissidents both inside and outside of Iran;

(B) identifies foreign persons working as part of the Government of Iran or acting on behalf of that Government (including members of paramilitary organizations such as Ansar-e-Hezbollah and Basij-e Mostaz'afin), that the Secretary of State determines, based on credible evidence, are knowingly responsible for, complicit in or involved in ordering, conspiring, planning or implementing the surveillance, harassment, kidnapping, illegal extradition, imprisonment, torture, killing, or assassination of citizens of Iran (including citizens of Iran of dual nationality) or citizens of the United States inside or outside Iran who seek—

(i) to expose illegal or corrupt activity carried out by officials of the Government of Iran;

(ii) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections, in Iran; or

(iii) to obtain, exercise, defend, or promote the rights and well-being of women, religious and ethnic minorities, and the LGBTQ community in Iran; and

(C) includes, for each foreign person identified subparagraph (B), a clear explanation for why the foreign person was so identified.

(2) UPDATES OF REPORT.—The report required by paragraph (1) shall be updated, and the updated version submitted to the appropriate congressional committees, during the 10-year period following the date of the enactment of this Act—

(A) not less frequently than annually; and

(B) with respect to matters relating to the identification of foreign persons under paragraph (1)(B), on an ongoing basis as new information becomes available.

(3) FORM OF REPORT.—

(A) IN GENERAL.—Each report required by paragraph (1) and each update required by paragraph (2) shall be submitted in unclassified form but may include a classified annex.

(B) PUBLIC AVAILABILITY.—The Secretary of State shall post the unclassified portion of each report required by paragraph (1) and each update required by paragraph (2) on a publicly available internet website of the Department of State.

(b) IMPOSITION OF SANCTIONS.—In the case of a foreign person identified under paragraph (1)(B) of subsection (a) in the most recent report or update submitted under that subsection, the President shall—

(1) if the foreign person meets the criteria for the imposition of sanctions under subsection (a) of section 1263 of the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10102), impose sanctions under subsection (b) of that section; and

(2) if the foreign person does not meet such criteria, impose the sanctions described in subsection (c).

(c) SANCTIONS DESCRIBED.—The sanctions to be imposed under this subsection with respect to a foreign person are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

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

(A) IN GENERAL.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1)(B) is—

(I) inadmissible to the United States;

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

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

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The visa or other entry documentation of an alien described in subsection (a)(1)(B) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(II) IMMEDIATE EFFECT.—A revocation under subclause (I) shall—

(aa) take effect immediately; and

(bb) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(d) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees, not later than 15 days before the termination of the sanctions that—

(1) credible information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed; or

(3) the person has—

(A) credibly demonstrated a significant change in behavior;

(B) has paid an appropriate consequence for the activity for which sanctions were imposed; and

(C) has credibly committed to not engage in an activity described in subsection (a) in the future.

SEC. 1285. REPORT AND IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS CONDUCTING SIGNIFICANT TRANSACTIONS WITH PERSONS RESPONSIBLE FOR OR COMPLICIT IN ABUSES TOWARD DISSIDENTS ON BEHALF OF THE GOVERNMENT OF IRAN.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not earlier than 30 days and not later than 60 days after the Secretary of State submits to the appropriate congressional committees a report required by section 1284(a), the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report that identifies any foreign financial institution that knowingly conducts a significant transaction with a foreign person identified in the report submitted under section 1284(a).

(2) FORM OF REPORT.—

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

(B) PUBLIC AVAILABILITY.—The Secretary of the Treasury shall post the unclassified portion of each report required by paragraph (1) on a publicly available internet website of the Department of the Treasury.

(b) IMPOSITION OF SANCTIONS.—The Secretary of the Treasury may prohibit the opening, or prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution identified under subsection (a)(1).

SEC. 1286. EXCEPTIONS; WAIVERS; IMPLEMENTATION.

(a) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under sections 1284 and 1285 shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under section 1284(c)(2) shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(b) NATIONAL SECURITY WAIVER.—The President may waive the application of sanctions under section 1284 with respect to a person if the President—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a report on the waiver and the reasons for the waiver.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this Act.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of section 1284(b)(1) or 1285(b) or any regulation, license, or order issued to carry out either such section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a

person that commits an unlawful act described in subsection (a) of that section.

SEC. 1287. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the authorities and requirements to impose sanctions under this title shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term ''good'' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

SA 6141. Mr. PADILLA (for himself 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. _____. ADDITIONAL FUNDING FOR ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES FOR DISTRIBUTED APERTURE INFRARED COUNTERMEASURE SYSTEMS.

(a) ADDITIONAL FUNDING.—Of the amount authorized to be appropriated by section 201 for research, development, test, and evaluation, the amount made available pursuant to the funding table in section 4201 for tactical air directional infrared countermeasures (TADIRCM) (PE 0604272N) is hereby increased by $30,000,000, with the amount of the increase to be available for advanced component development and prototypes for distributed aperture infrared countermeasure systems.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201 for research, development, test, and evaluation, the amount made available pursuant to the funding table in section 4201 for management support, management, technical and international support (PE 0605853N) is hereby decreased by $30,000,000.

SA 6142. 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. _____. ADDITIONAL FUNDING TO OPERATIONALIZE FOREIGN LANGUAGE EXPLOITATION CAPABILITIES.

(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 $10,000,000, with the amount of the increase to be available for ISR Modernization and Automation Development (IMAD) (PE 0603382C) to operationalize foreign language exploitation capabilities.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2023 by section 301 for operation and maintenance is hereby decreased by $10,000,000, with the amount of the decrease to come from a reduction in availability for Other Personnel Support set forth on line 480 of the funding table in section 4301.

SA 6143. 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. _____. ENLISTMENT OF CERTAIN ALIENS AND LEGAL STATUS FOR SUCH ALIEN ENLISTEES.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this section that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) ARMED FORCES.—The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101 of title 10, United States Code.

(3) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(b) ENLISTMENT IN THE ARMED FORCES FOR CERTAIN ALIENS.—Subsection (b)(1) of section 504 of title 10, United States Code, is amended by adding at the end the following:

''(D)(i) An alien who—

''(I) subject to clause (ii), has been continuously physically present in the United States for five years;

''(II) has completed, to the satisfaction of the Secretary of Defense, the same background investigation process as is required of qualified individuals seeking enlistment in an armed force;

''(III) meets all other standards set forth for enlistment in an armed force; and

''(IV) has been granted deferred action pursuant to the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012;

''(aa) has been granted temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a);

''(bb) is in possession of a valid, unexpired immigrant visa; or

''(cc) is in possession of a valid, unexpired F, M, H–1B, H1–B1, O, TN/TD, H–2A, H–2B nonimmigrant visa.

''(ii) An alien described in clause (i) who has departed the United States during the five-year period referred to in subclause (I) of that clause shall be eligible to enlist if the alien so departed pursuant to an approved travel document.''.

(c) LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN ENLISTEES OF THE ARMED FORCES.—

(1) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security or the Attorney General shall adjust the status of an alien to that of lawfully admitted for permanent residence if the alien—

(i)(I) subject to subparagraph (C), is not inadmissible under paragraph (1), (6)(E), or (8) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(II) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(III) is not barred from adjustment of status under this Act based on the criminal and national security grounds described under paragraph (2), subject to the provisions of such paragraph;

(ii) has taken an enlistment oath under section 502 of title 10, United States Code; and

(iii) has reported to and, subject to subparagraph (B), has successfully completed initial entry training.

(B) MEDICAL EXCEPTION.—The Secretary of Homeland Security or the Attorney General shall adjust the status of an alien to that of lawfully admitted for permanent residence an alien who meets the qualifications under clauses (i) and (ii) of subparagraph (A), but who has not successfully completed initial entry training for medical reasons, if such medical reasons are certified by the Secretary of the applicable military department.

(C) WAIVER OF GROUNDS OF INADMISSIBILITY.—With respect to any benefit under this subsection, and in addition to the waivers under paragraph (2)(C), the Secretary of Homeland Security may waive the grounds of inadmissibility under paragraph (1) or (6)(E) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes, for family unity, or because the waiver is otherwise in the public interest.

(D) APPLICATION FEE.—

(i) IN GENERAL.—The Secretary of Homeland Security may, subject to an exemption under clause (ii), require an alien applying under this subsection to pay a reasonable fee that is commensurate with the cost of processing the application, but does not exceed $495.

(ii) EXEMPTION.—An applicant may be exempted from paying an application fee required under this subsection if the applicant—

(I) is 18 years of age or younger;

(II) received total household income, during the 1-year period immediately preceding the date on which the applicant files an application under this subsection, that is at or below 150 percent of the Federal poverty line; or

(III) is in foster care or otherwise lacks any parental or other familial support.

(E) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA; BACKGROUND CHECKS.—

(i) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary of Homeland Security may not grant an alien adjustment of status under this subsection unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment.

(ii) BACKGROUND CHECKS.—The Secretary of Homeland Security shall use biometric, biographic, and other data that the Secretary of Homeland Security determines appropriate to conduct security and law enforcement background checks and to determine whether there is any criminal, national security,

or other factor that would render the alien ineligible for adjustment of status under this subsection. The status of an alien may not be adjusted unless security and law enforcement background checks are completed to the satisfaction of the Secretary of Homeland Security.

(2) CRIMINAL AND NATIONAL SECURITY BARS.—

(A) DEFINITIONS.—In this paragraph:

(i) CRIME OF DOMESTIC VIOLENCE.—The term ''crime of domestic violence'' means any offense that has as an element the use, attempted use, or threatened use of physical force against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, a Tribal government, or a unit of local government.

(ii) FELONY OFFENSE.—The term ''felony offense'' means an offense under Federal or State law that is punishable by a maximum term of imprisonment of more than 1 year.

(iii) MISDEMEANOR OFFENSE.—The term ''misdemeanor offense'' means an offense under Federal or State law that is punishable by a term of imprisonment of more than 5 days but not more than 1 year.

(B) GROUNDS OF INELIGIBILITY.—Except as provided in subparagraph (C), an alien is ineligible for adjustment of status under this subsection if any of the following apply:

(i) The alien is inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(ii) Excluding any offense under State law for which an essential element is the alien's immigration status, and any minor traffic offense, the alien has been convicted of—

(I) any felony offense;

(II) 3 or more misdemeanor offenses (excluding simple possession of cannabis or cannabis-related paraphernalia, any offense involving cannabis or cannabis-related paraphernalia which is no longer prosecutable in the State in which the conviction was entered, and any offense involving civil disobedience without violence) not occurring on the same date, and not arising out of the same act, omission, or scheme of misconduct; or

(III) a misdemeanor offense of domestic violence, unless the alien demonstrates that such crime is related to the alien having been—

(aa) a victim of domestic violence, sexual assault, stalking, child abuse or neglect, abuse or neglect in later life, or human trafficking;

(bb) battered or subjected to extreme cruelty; or

(cc) a victim of criminal activity described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)).

(C) WAIVERS FOR CERTAIN MISDEMEANORS.—For humanitarian purposes, family unity, or if otherwise in the public interest, the Secretary of Homeland Security may—

(i) waive the grounds of inadmissibility under subparagraphs (A), (C), and (D) of section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), unless the conviction forming the basis for inadmissibility would otherwise render the alien ineligible under subparagraph (B)(ii) (subject to clause (ii)); and

(ii) for purposes of subclauses (II) and (III) of subparagraph (B)(ii), waive consideration of—

(I) one misdemeanor offense if the alien has not been convicted of any offense in the 5-year period preceding the date on which the alien applies for adjustment of status under this subsection; or

(II) up to 2 misdemeanor offenses if the alien has not been convicted of any offense in the 10-year period preceding the date on which the alien applies for adjustment of status under this subsection.

(3) RESCISSION.—

(A) IN GENERAL.—Section 246 of the Immigration and Nationality Act (8 U.S.C. 1256) shall apply to an alien whose status is adjusted under paragraph (1).

(B) OTHER GROUNDS APPLICABLE.—

(i) IN GENERAL.—The Secretary of Homeland Security may rescind the lawful permanent resident status of an alien whose status was adjusted under paragraph (1) if, during the 5-year period beginning on the date on which such status was granted, the Secretary of Defense characterizes any period of the alien's service in the Armed Forces as other than honorable, bad conduct, or dishonorable.

(ii) EXCEPTION.—The Secretary of Homeland Security may not rescind the lawful permanent resident status of an alien under this subparagraph based on any period of an alien's service in the Armed Forces that is uncharacterized by the Secretary of Defense.

(C) PROOF OF SERVICE CHARACTERIZATION.—For purposes of this paragraph, proof of characterization of service in the Armed Forces shall be authenticated by the Secretary of Defense.

(4) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—The Secretary of Homeland Security or the Secretary of Defense may not disclose or use for purposes of immigration enforcement information provided in—

(i) documentation filed under this subsection; or

(ii) enlistment applications filed, or inquiries made, under section 504(b)(1)(D) of title 10, United States Code.

(B) TREATMENT OF RECORDS.—

(i) IN GENERAL.—Documentation filed under this subsection—

(I) shall be collected pursuant to section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''); and

(II) may not be disclosed under subsection (b)(7) of that section for purposes of immigration enforcement.

(ii) DESTRUCTION.—In the cases of individuals who attempt to enlist but do not successfully do so, the Secretary of Homeland Security and the Secretary of Defense shall destroy information provided in documentation filed under this subsection not later than 60 days after the date on which the individual concerned is denied enlistment or fails to complete basic training, as applicable, except in the case of an alien described in paragraph (1)(B).

(C) REFERRALS PROHIBITED.—The Secretary of Homeland Security or the Secretary of Defense (or any designee of the Secretary of Homeland Security or the Secretary of Defense) based solely on information provided in an application for adjustment of status under this subsection or an enlistment application filed, or an inquiry made, under section 504(b)(1)(D) of title 10, United States Code, may not refer an individual to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection.

(D) LIMITED EXCEPTION.—Notwithstanding subparagraphs (A) through (C), information provided in an application for adjustment of status under this subsection may be shared with Federal security and law enforcement agencies—

(i) for assistance in the consideration of an application for adjustment of status under this subsection;

(ii) to identify or prevent fraudulent claims;

(iii) for national security purposes pursuant to section 6611 of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 3352f); or

(iv) for the investigation or prosecution of any Federal crime, except any offense, other than a fraud or false statement offense, that is—

(I) related to immigration status; or

(II) a petty offense (as defined in section 19 of title 18, United States Code).

(E) PENALTY.—Any person who knowingly and willfully uses, publishes, or examines, or permits such use, publication, or examination of, any information produced or provided by, or collected from, any source or person under this section and in violation of this subsection shall be guilty of a misdemeanor and fined not more than $5,000.

(5) RULE OF CONSTRUCTION.—Nothing in this section, or an amendment made by this section, may be construed to modify—

(A) the process prescribed by sections 328, 329, and 329A of the Immigration and Nationality Act (8 U.S.C. 1439, 1440, 1440–1) by which a person may naturalize through service in the Armed Forces; or

(B) the qualifications for original enlistment in any component of the Armed Forces otherwise prescribed by law or the Secretary of Defense.

SA 6144. 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. _____. ENLISTMENT OF CERTAIN ALIENS AND LEGAL STATUS FOR SUCH ALIEN ENLISTEES.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this section that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) ARMED FORCES.—The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101 of title 10, United States Code.

(3) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(b) ENLISTMENT IN THE ARMED FORCES FOR CERTAIN ALIENS.—Subsection (b)(1) of section 504 of title 10, United States Code, is amended by adding at the end the following:

''(D)(i) An alien who—

''(I) subject to clause (ii), has been continuously physically present in the United States for five years;

''(II) has completed, to the satisfaction of the Secretary of Defense, the same background investigation process as is required of qualified individuals seeking enlistment in an armed force;

''(III) meets all other standards set forth for enlistment in an armed force; and

''(IV)(aa) has been granted deferred action pursuant to the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012;

''(bb) has been granted temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a); or

''(cc) is in possession of a valid, unexpired immigrant visa.

''(ii) An alien described in clause (i) who has departed the United States during the five-year period referred to in subclause (I) of that clause shall be eligible to enlist if the alien so departed pursuant to an approved travel document.''.

(c) LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN ENLISTEES OF THE ARMED FORCES.—

(1) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security or the Attorney General shall adjust the status of an alien to that of lawfully admitted for permanent residence if the alien—

(i)(I) subject to subparagraph (C), is not inadmissible under paragraph (1), (6)(E), or (8) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(II) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(III) is not barred from adjustment of status under this Act based on the criminal and national security grounds described under paragraph (2), subject to the provisions of such paragraph;

(ii) has taken an enlistment oath under section 502 of title 10, United States Code; and

(iii) has reported to and, subject to subparagraph (B), has successfully completed initial entry training.

(B) MEDICAL EXCEPTION.—The Secretary of Homeland Security or the Attorney General shall adjust the status of an alien to that of lawfully admitted for permanent residence an alien who meets the qualifications under clauses (i) and (ii) of subparagraph (A), but who has not successfully completed initial entry training for medical reasons, if such medical reasons are certified by the Secretary of the applicable military department.

(C) WAIVER OF GROUNDS OF INADMISSIBILITY.—With respect to any benefit under this subsection, and in addition to the waivers under paragraph (2)(C), the Secretary of Homeland Security may waive the grounds of inadmissibility under paragraph (1) or (6)(E) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes, for family unity, or because the waiver is otherwise in the public interest.

(D) APPLICATION FEE.—

(i) IN GENERAL.—The Secretary of Homeland Security may, subject to an exemption under clause (ii), require an alien applying under this subsection to pay a reasonable fee that is commensurate with the cost of processing the application, but does not exceed $495.

(ii) EXEMPTION.—An applicant may be exempted from paying an application fee required under this subsection if the applicant—

(I) is 18 years of age or younger;

(II) received total household income, during the 1-year period immediately preceding the date on which the applicant files an application under this subsection, that is at or below 150 percent of the Federal poverty line; or

(III) is in foster care or otherwise lacks any parental or other familial support.

(E) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA; BACKGROUND CHECKS.—

(i) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary of Homeland Security may not grant an alien adjustment of status under this subsection unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment.

(ii) BACKGROUND CHECKS.—The Secretary of Homeland Security shall use biometric, biographic, and other data that the Secretary of Homeland Security determines appropriate to conduct security and law enforcement background checks and to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for adjustment of status under this subsection. The status of an alien may not be adjusted unless security and law enforcement background checks are completed to the satisfaction of the Secretary of Homeland Security.

(2) CRIMINAL AND NATIONAL SECURITY BARS.—

(A) DEFINITIONS.—In this paragraph:

(i) CRIME OF DOMESTIC VIOLENCE.—The term ''crime of domestic violence'' means any offense that has as an element the use, attempted use, or threatened use of physical force against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, a Tribal government, or a unit of local government.

(ii) FELONY OFFENSE.—The term ''felony offense'' means an offense under Federal or State law that is punishable by a maximum term of imprisonment of more than 1 year.

(iii) MISDEMEANOR OFFENSE.—The term ''misdemeanor offense'' means an offense under Federal or State law that is punishable by a term of imprisonment of more than 5 days but not more than 1 year.

(B) GROUNDS OF INELIGIBILITY.—Except as provided in subparagraph (C), an alien is ineligible for adjustment of status under this subsection if any of the following apply:

(i) The alien is inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(ii) Excluding any offense under State law for which an essential element is the alien's immigration status, and any minor traffic offense, the alien has been convicted of—

(I) any felony offense;

(II) 3 or more misdemeanor offenses (excluding simple possession of cannabis or cannabis-related paraphernalia, any offense involving cannabis or cannabis-related paraphernalia which is no longer prosecutable in the State in which the conviction was entered, and any offense involving civil disobedience without violence) not occurring on the same date, and not arising out of the same act, omission, or scheme of misconduct; or

(III) a misdemeanor offense of domestic violence, unless the alien demonstrates that such crime is related to the alien having been—

(aa) a victim of domestic violence, sexual assault, stalking, child abuse or neglect, abuse or neglect in later life, or human trafficking;

(bb) battered or subjected to extreme cruelty; or

(cc) a victim of criminal activity described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)).

(C) WAIVERS FOR CERTAIN MISDEMEANORS.—For humanitarian purposes, family unity, or if otherwise in the public interest, the Secretary of Homeland Security may—

(i) waive the grounds of inadmissibility under subparagraphs (A), (C), and (D) of section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), unless the conviction forming the basis for inadmissibility would otherwise render the alien ineligible under subparagraph (B)(ii) (subject to clause (ii)); and

(ii) for purposes of subclauses (II) and (III) of subparagraph (B)(ii), waive consideration of—

(I) one misdemeanor offense if the alien has not been convicted of any offense in the 5-year period preceding the date on which the alien applies for adjustment of status under this subsection; or

(II) up to 2 misdemeanor offenses if the alien has not been convicted of any offense in the 10-year period preceding the date on which the alien applies for adjustment of status under this subsection.

(3) RESCISSION.—

(A) IN GENERAL.—Section 246 of the Immigration and Nationality Act (8 U.S.C. 1256) shall apply to an alien whose status is adjusted under paragraph (1).

(B) OTHER GROUNDS APPLICABLE.—

(i) IN GENERAL.—The Secretary of Homeland Security may rescind the lawful permanent resident status of an alien whose status was adjusted under paragraph (1) if, during the 5-year period beginning on the date on which such status was granted, the Secretary of Defense characterizes any period of the alien's service in the Armed Forces as other than honorable, bad conduct, or dishonorable.

(ii) EXCEPTION.—The Secretary of Homeland Security may not rescind the lawful permanent resident status of an alien under this subparagraph based on any period of an alien's service in the Armed Forces that is uncharacterized by the Secretary of Defense.

(C) PROOF OF SERVICE CHARACTERIZATION.—For purposes of this paragraph, proof of characterization of service in the Armed Forces shall be authenticated by the Secretary of Defense.

(4) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—The Secretary of Homeland Security or the Secretary of Defense may not disclose or use for purposes of immigration enforcement information provided in—

(i) documentation filed under this subsection; or

(ii) enlistment applications filed, or inquiries made, under section 504(b)(1)(D) of title 10, United States Code.

(B) TREATMENT OF RECORDS.—

(i) IN GENERAL.—Documentation filed under this subsection—

(I) shall be collected pursuant to section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''); and

(II) may not be disclosed under subsection (b)(7) of that section for purposes of immigration enforcement.

(ii) DESTRUCTION.—In the cases of individuals who attempt to enlist but do not successfully do so, the Secretary of Homeland Security and the Secretary of Defense shall

destroy information provided in documentation filed under this subsection not later than 60 days after the date on which the individual concerned is denied enlistment or fails to complete basic training, as applicable, except in the case of an alien described in paragraph (1)(B).

(C) REFERRALS PROHIBITED.—The Secretary of Homeland Security or the Secretary of Defense (or any designee of the Secretary of Homeland Security or the Secretary of Defense) based solely on information provided in an application for adjustment of status under this subsection or an enlistment application filed, or an inquiry made, under section 504(b)(1)(D) of title 10, United States Code, may not refer an individual to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection.

(D) LIMITED EXCEPTION.—Notwithstanding subparagraphs (A) through (C), information provided in an application for adjustment of status under this subsection may be shared with Federal security and law enforcement agencies—

(i) for assistance in the consideration of an application for adjustment of status under this subsection;

(ii) to identify or prevent fraudulent claims;

(iii) for national security purposes pursuant to section 6611 of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 3352f); or

(iv) for the investigation or prosecution of any Federal crime, except any offense, other than a fraud or false statement offense, that is—

(I) related to immigration status; or

(II) a petty offense (as defined in section 19 of title 18, United States Code).

(E) PENALTY.—Any person who knowingly and willfully uses, publishes, or examines, or permits such use, publication, or examination of, any information produced or provided by, or collected from, any source or person under this section and in violation of this subsection shall be guilty of a misdemeanor and fined not more than $5,000.

(5) RULE OF CONSTRUCTION.—Nothing in this section, or an amendment made by this section, may be construed to modify—

(A) the process prescribed by sections 328, 329, and 329A of the Immigration and Nationality Act (8 U.S.C. 1439, 1440, 1440–1) by which a person may naturalize through service in the Armed Forces; or

(B) the qualifications for original enlistment in any component of the Armed Forces otherwise prescribed by law or the Secretary of Defense.

SA 6145. 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. _____. ENLISTMENT OF CERTAIN ALIENS AND LEGAL STATUS FOR SUCH ALIEN ENLISTEES.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this section that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) ARMED FORCES.—The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101 of title 10, United States Code.

(3) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(b) ENLISTMENT IN THE ARMED FORCES FOR CERTAIN ALIENS.—Subsection (b)(1) of section 504 of title 10, United States Code, is amended by adding at the end the following:

''(D)(i) An alien who—

''(I) subject to clause (ii), has been continuously physically present in the United States for five years;

''(II) has completed, to the satisfaction of the Secretary of Defense, the same background investigation process as is required of qualified individuals seeking enlistment in an armed force;

''(III) meets all other standards set forth for enlistment in an armed force; and

''(IV) has been granted deferred action pursuant to the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012.

''(ii) An alien described in clause (i) who has departed the United States during the five-year period referred to in subclause (I) of that clause shall be eligible to enlist if the alien so departed pursuant to an approved travel document.''.

(c) LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN ENLISTEES OF THE ARMED FORCES.—

(1) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security or the Attorney General shall adjust the status of an alien to that of lawfully admitted for permanent residence if the alien—

(i)(I) subject to subparagraph (C), is not inadmissible under paragraph (1), (6)(E), or (8) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(II) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(III) is not barred from adjustment of status under this Act based on the criminal and national security grounds described under paragraph (2), subject to the provisions of such paragraph;

(ii) has taken an enlistment oath under section 502 of title 10, United States Code; and

(iii) has reported to and, subject to subparagraph (B), has successfully completed initial entry training.

(B) MEDICAL EXCEPTION.—The Secretary of Homeland Security or the Attorney General shall adjust the status of an alien to that of lawfully admitted for permanent residence an alien who meets the qualifications under clauses (i) and (ii) of subparagraph (A), but who has not successfully completed initial entry training for medical reasons, if such medical reasons are certified by the Secretary of the applicable military department.

(C) WAIVER OF GROUNDS OF INADMISSIBILITY.—With respect to any benefit under this subsection, and in addition to the waivers under paragraph (2)(C), the Secretary of Homeland Security may waive the grounds of inadmissibility under paragraph (1) or (6)(E) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes, for family unity, or because the waiver is otherwise in the public interest.

(D) APPLICATION FEE.—

(i) IN GENERAL.—The Secretary of Homeland Security may, subject to an exemption under clause (ii), require an alien applying under this subsection to pay a reasonable fee that is commensurate with the cost of processing the application, but does not exceed $495.

(ii) EXEMPTION.—An applicant may be exempted from paying an application fee required under this subsection if the applicant—

(I) is 18 years of age or younger;

(II) received total household income, during the 1-year period immediately preceding the date on which the applicant files an application under this subsection, that is at or below 150 percent of the Federal poverty line; or

(III) is in foster care or otherwise lacks any parental or other familial support.

(E) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA; BACKGROUND CHECKS.—

(i) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary of Homeland Security may not grant an alien adjustment of status under this subsection unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment.

(ii) BACKGROUND CHECKS.—The Secretary of Homeland Security shall use biometric, biographic, and other data that the Secretary of Homeland Security determines appropriate to conduct security and law enforcement background checks and to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for adjustment of status under this subsection. The status of an alien may not be adjusted unless security and law enforcement background checks are completed to the satisfaction of the Secretary of Homeland Security.

(2) CRIMINAL AND NATIONAL SECURITY BARS.—

(A) DEFINITIONS.—In this paragraph:

(i) CRIME OF DOMESTIC VIOLENCE.—The term ''crime of domestic violence'' means any offense that has as an element the use, attempted use, or threatened use of physical force against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, a Tribal government, or a unit of local government.

(ii) FELONY OFFENSE.—The term ''felony offense'' means an offense under Federal or State law that is punishable by a maximum term of imprisonment of more than 1 year.

(iii) MISDEMEANOR OFFENSE.—The term ''misdemeanor offense'' means an offense under Federal or State law that is punishable by a term of imprisonment of more than 5 days but not more than 1 year.

(B) GROUNDS OF INELIGIBILITY.—Except as provided in subparagraph (C), an alien is ineligible for adjustment of status under this subsection if any of the following apply:

(i) The alien is inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(ii) Excluding any offense under State law for which an essential element is the alien's immigration status, and any minor traffic offense, the alien has been convicted of—

(I) any felony offense;

(II) 3 or more misdemeanor offenses (excluding simple possession of cannabis or cannabis-related paraphernalia, any offense involving cannabis or cannabis-related paraphernalia which is no longer prosecutable in the State in which the conviction was entered, and any offense involving civil disobedience without violence) not occurring on the same date, and not arising out of the same act, omission, or scheme of misconduct; or

(III) a misdemeanor offense of domestic violence, unless the alien demonstrates that such crime is related to the alien having been—

(aa) a victim of domestic violence, sexual assault, stalking, child abuse or neglect, abuse or neglect in later life, or human trafficking;

(bb) battered or subjected to extreme cruelty; or

(cc) a victim of criminal activity described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)).

(C) WAIVERS FOR CERTAIN MISDEMEANORS.—For humanitarian purposes, family unity, or if otherwise in the public interest, the Secretary of Homeland Security may—

(i) waive the grounds of inadmissibility under subparagraphs (A), (C), and (D) of section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), unless the conviction forming the basis for inadmissibility would otherwise render the alien ineligible under subparagraph (B)(ii) (subject to clause (ii)); and

(ii) for purposes of subclauses (II) and (III) of subparagraph (B)(ii), waive consideration of—

(I) one misdemeanor offense if the alien has not been convicted of any offense in the 5-year period preceding the date on which the alien applies for adjustment of status under this subsection; or

(II) up to 2 misdemeanor offenses if the alien has not been convicted of any offense in the 10-year period preceding the date on which the alien applies for adjustment of status under this subsection.

(3) RESCISSION.—

(A) IN GENERAL.—Section 246 of the Immigration and Nationality Act (8 U.S.C. 1256) shall apply to an alien whose status is adjusted under paragraph (1).

(B) OTHER GROUNDS APPLICABLE.—

(i) IN GENERAL.—The Secretary of Homeland Security may rescind the lawful permanent resident status of an alien whose status was adjusted under paragraph (1) if, during the 5-year period beginning on the date on which such status was granted, the Secretary of Defense characterizes any period of the alien's service in the Armed Forces as other than honorable, bad conduct, or dishonorable.

(ii) EXCEPTION.—The Secretary of Homeland Security may not rescind the lawful permanent resident status of an alien under this subparagraph based on any period of an alien's service in the Armed Forces that is uncharacterized by the Secretary of Defense.

(C) PROOF OF SERVICE CHARACTERIZATION.—For purposes of this paragraph, proof of characterization of service in the Armed Forces shall be authenticated by the Secretary of Defense.

(4) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—The Secretary of Homeland Security or the Secretary of Defense may not disclose or use for purposes of immigration enforcement information provided in—

(i) documentation filed under this subsection; or

(ii) enlistment applications filed, or inquiries made, under section 504(b)(1)(D) of title 10, United States Code.

(B) TREATMENT OF RECORDS.—

(i) IN GENERAL.—Documentation filed under this subsection—

(I) shall be collected pursuant to section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974''); and

(II) may not be disclosed under subsection (b)(7) of that section for purposes of immigration enforcement.

(ii) DESTRUCTION.—In the cases of individuals who attempt to enlist but do not successfully do so, the Secretary of Homeland Security and the Secretary of Defense shall destroy information provided in documentation filed under this subsection not later than 60 days after the date on which the individual concerned is denied enlistment or fails to complete basic training, as applicable, except in the case of an alien described in paragraph (1)(B).

(C) REFERRALS PROHIBITED.—The Secretary of Homeland Security or the Secretary of Defense (or any designee of the Secretary of Homeland Security or the Secretary of Defense) based solely on information provided in an application for adjustment of status under this subsection or an enlistment application filed, or an inquiry made, under section 504(b)(1)(D) of title 10, United States Code, may not refer an individual to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection.

(D) LIMITED EXCEPTION.—Notwithstanding subparagraphs (A) through (C), information provided in an application for adjustment of status under this subsection may be shared with Federal security and law enforcement agencies—

(i) for assistance in the consideration of an application for adjustment of status under this subsection;

(ii) to identify or prevent fraudulent claims;

(iii) for national security purposes pursuant to section 6611 of the National Defense Authorization Act for Fiscal Year 2020 (50 U.S.C. 3352f); or

(iv) for the investigation or prosecution of any Federal crime, except any offense, other than a fraud or false statement offense, that is—

(I) related to immigration status; or

(II) a petty offense (as defined in section 19 of title 18, United States Code).

(E) PENALTY.—Any person who knowingly and willfully uses, publishes, or examines, or permits such use, publication, or examination of, any information produced or provided by, or collected from, any source or person under this section and in violation of this subsection shall be guilty of a misdemeanor and fined not more than $5,000.

(5) RULE OF CONSTRUCTION.—Nothing in this section, or an amendment made by this section, may be construed to modify—

(A) the process prescribed by sections 328, 329, and 329A of the Immigration and Nationality Act (8 U.S.C. 1439, 1440, 1440–1) by which a person may naturalize through service in the Armed Forces; or

(B) the qualifications for original enlistment in any component of the Armed Forces otherwise prescribed by law or the Secretary of Defense.

SA 6146. Ms. SMITH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. PARITY FOR REGISTERED INDEX-LINKED ANNUITIES REGARDING REGISTRATION RULES.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Securities and Exchange Commission.

(2) INVESTMENT COMPANY.—The term ''investment company'' has the meaning given the term in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3).

(3) MARKET VALUE ADJUSTMENT.—The term ''market value adjustment'' means, with respect to a registered index-linked annuity—

(A) an adjustment to the value of that annuity based on calculations using a predetermined formula; or

(B) a change in interest rates (or other factor, as determined by the Commission) that applies to that annuity after an early withdrawal or contract discontinuance.

(4) PURCHASER.—The term ''purchaser'' means a purchaser of a registered index-linked annuity.

(5) REGISTERED INDEX-LINKED ANNUITY.—The term ''registered index-linked annuity'' means an annuity—

(A) that is deemed to be a security;

(B) that is required to be registered with the Commission;

(C) that is issued by an insurance company that is subject to the supervision of the insurance commissioner of the applicable State;

(D) that is not issued by an investment company; and

(E) the returns of which—

(i) are based on the performance of a specified benchmark index or rate; and

(ii) may be subject to a market value adjustment if amounts are withdrawn before the end of the period during which that market value adjustment applies.

(6) SECURITY.—The term ''security'' has the meaning given the term in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)).

(b) RULES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall propose, and, not later than 18 months after the date of enactment of this Act, the Commission shall prepare and finalize, new or amended rules, as appropriate, to establish a new form in accordance with paragraph (2) on which an issuer of a registered index-linked annuity may register that registered index-linked annuity, subject to conditions the Commission determines appropriate.

(2) DESIGN OF FORM.—In developing the form to be established under paragraph (1), the Commission shall—

(A) design the form to ensure that a purchaser using the form receives the information necessary to make knowledgeable decisions, taking into account—

(i) the availability of information;

(ii) the knowledge and sophistication of that class of purchasers;

(iii) the complexity of the registered index-linked annuity; and

(iv) any other factor the Commission determines appropriate;

(B) engage in investor testing; and

(C) incorporate the results of the testing required under subparagraph (B) in the design of the form, with the goal of ensuring that key information is conveyed in terms that a purchaser is able to understand.

(c) TREATMENT IF RULES NOT PREPARED AND FINALIZED IN A TIMELY MANNER.—

(1) IN GENERAL.—If, as of the date that is 18 months after the date of enactment of this Act, the Commission has failed to prepare and finalize the rules required under subsection (b)(1), any registered index-linked annuity may be registered on the form described in section 239.17b of title 17, Code of Federal Regulations, or any successor regulation.

(2) PREPARATION.—A registration described in paragraph (1) shall be prepared pursuant to applicable provisions of the form described in that paragraph.

(d) RULES OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) limit the authority of the Commission to determine the information to be requested in the form described in subsection (b); or

(2) preempt any State law, regulation, rule, or order.

SA 6147. 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:

Beginning on page 549, strike line 21 and all that follows through page 554, line 4, and insert the following:

(a) MODIFICATION OF REGIONAL DEFENSE COMBATING TERRORISM AND IRREGULAR WARFARE FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—Section 345 of title 10, United States Code, is amended—

(A) in the section heading, by striking ''**Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program**'' and inserting ''**Irregular Warfare Education**'';

(B) in subsection (a)—

(i) in the subsection heading, by striking ''PROGRAM AUTHORIZED'' and inserting ''AUTHORITY'';

(ii) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''operate and administer a Center for Security Studies in Irregular Warfare and'' after ''The Secretary of Defense may'';

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

''(2) COVERED COSTS.—

''(A) IN GENERAL.—Costs for which payment may be made under this section include the costs of—

''(i) transportation, travel, and subsistence costs of foreign national personnel and United States governmental personnel necessary for administration and execution of the authority granted to the Secretary of Defense under this section;

''(ii) strategic engagement with alumni of the program referred to in paragraph (1) to address Department of Defense objectives and planning on irregular warfare and combating terrorism topics; and

''(iii) administration and operation of the Irregular Warfare Center, including expenses associated with—

''(I) research, communication, the exchange of ideas, curriculum development and review, and training of military and civilian participants of the United States and other countries, as the Secretary considers necessary; and

''(II) maintaining an international network of irregular warfare policymakers and practitioners to achieve the objectives of the Department of Defense and the Department of State.

''(B) PAYMENT BY OTHERS PERMITTED.—Payment of costs described in subparagraph (A)(i) may be made by the Secretary of Defense, the foreign national participant, the government of such participant, or by the head of any other Federal department or agency.''; and

(iv) by amending paragraph (3) to read as follows:

''(3) DESIGNATIONS.—

''(A) CENTER.—The center authorized by this section shall be known as the 'Irregular Warfare Center'.

''(B) PROGRAM.—The program authorized by this section shall be known as the 'Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program'.'';

(C) by redesignating subsections (c) and (d) as subsections (e) and (g), respectively;

(D) by inserting after subsection (b) the following new paragraphs (c) and (d):

''(c) EMPLOYMENT AND COMPENSATION OF FACULTY.—With respect to the Irregular Warfare Center—

''(1) the Secretary of Defense may employ a Director, a Deputy Director, and such civilians as professors, instructors, and lecturers, as the Secretary considers necessary; and

''(2) compensation of individuals employed under this section shall be as prescribed by the Secretary.

''(d) PARTNERSHIP WITH INSTITUTION OF HIGHER EDUCATION.—

''(1) IN GENERAL.—In operating the Irregular Warfare Center, to promote integration throughout the United States Government and civil society across the full spectrum of Irregular Warfare competition and conflict challenges, the Secretary of Defense shall partner with an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

''(2) TYPES OF PARTNERSHIPS.—

''(A) IN GENERAL.—The Secretary may—

''(i) establish a partnership under paragraph (1) by—

''(I) entering into a contract, a cooperative agreement, or an intergovernmental support agreement pursuant to section 2679; or

''(II) awarding a grant; and

''(ii) enter into such a contract, cooperative agreement, or intergovernmental support agreement, or award such a grant, through the Defense Security Cooperation University.

''(B) ROLE OF DEFENSE SECURITY COOPERATION UNIVERSITY.—The Defense Security Cooperation University shall be considered to be a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710A).'';

(E) in subsection (e), as so redesignated, in the first sentence, by striking ''$35,000,000'' and inserting ''$40,000,000''; and

(F) by inserting after subsection (e), as so redesignated, the following new subsection:

''(f) ANNUAL REVIEW.—The Secretary of Defense—

''(1) shall conduct an annual review of the structure and activities of the Irregular Warfare Center and the program referred to in subsection (a) to determine whether such structure and activities are appropriately aligned with the strategic priorities of the Department of Defense and the applicable combatant commands; and

''(2) may, after an annual review under paragraph (1), revise the relevant structure and activities so as to more appropriately align such structure and activities with the strategic priorities and combatant commands.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 16 of title 10, United States Code, is amended by striking the item relating to section 345 and inserting the following:

''345. Irregular Warfare Education.''.

(b) PLAN FOR IRREGULAR WARFARE CENTER.—

SA 6148. 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 title II, insert the following:

SEC. _____. RESEARCH AND DEVELOPMENT TO ADVANCE THE PROFESSION OF THE SECURITY COOPERATION WORKFORCE.

Section 384 of title 10, United States Code, is amended—

(1) in subsection (c), by inserting ''and research necessary to advance the profession of the Security Cooperation workforce'' before the period at the end;

(2) in subsection (e)(3)(E)—

(A) by inserting ''the Defense Security Cooperation University'' after ''maintain''; and

(B) by inserting ''and conduct research necessary to advance the profession of the security cooperation workforce'' before the period at the end;

(3) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

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

''(f) RESEARCH AND DEVELOPMENT.—(1) In engaging in research and development projects pursuant to subsection (a) of section 4001 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary of Defense may enter into such contract or cooperative agreement or award such grant through the Defense Security Cooperation University.

''(2) The Defense Security Cooperation University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).''.

SA 6149. 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 C of title VIII, add the following:

SEC. 848. REQUIREMENT TO BUY CERTAIN SATELLITE COMPONENT FROM NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Section 4864(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) TRAVELING-WAVE TUBE AND TRAVELING WAVE TUBE AMPLIFIERS.—A traveling-wave tube and traveling-wave tube amplifier, that meets established technical and reliability requirements, used in a satellite weighing more than 400 pounds whose principle purpose is to support the national security, defense, or intelligence needs of the United States Government.''.

(b) EXCEPTION.—Paragraph (6) of section 4864(a) of title 10, United States Code, as added by subsection (a), shall not apply with respect to programs that received Milestone A approval (as defined in section 2431a of such title) before October 1, 2021.

(c) CLARIFICATION OF DELEGATION AUTHORITY.—Subject to subsection (i) of section 4864 of title 10, United States Code, the Secretary of Defense may delegate to a service acquisition executive the authority to make a waiver under subsection (d) of such section with respect to the limitation under subsection (a)(6) of such section, as added by subsection (a) of this section.

SA 6150. 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 C of title VIII, add the following:

SEC. 848. REQUIREMENT TO BUY CERTAIN SATELLITE COMPONENT FROM NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Section 4864(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) TRAVELING-WAVE TUBE AND TRAVELING WAVE TUBE AMPLIFIERS.—A traveling-wave tube and traveling-wave tube amplifier, that meets established technical and reliability requirements, used in a satellite weighing more than 400 pounds whose principle purpose is to support the needs of the armed forces.''.

(b) EXCEPTION.—Paragraph (6) of section 4864(a) of title 10, United States Code, as added by subsection (a), shall not apply with respect to programs that received Milestone A approval (as defined in section 2431a of such title) before October 1, 2021.

(c) CLARIFICATION OF DELEGATION AUTHORITY.—Subject to subsection (i) of section 4864 of title 10, United States Code, the Secretary of Defense may delegate to a service acquisition executive the authority to make a waiver under subsection (d) of such section with respect to the limitation under subsection (a)(6) of such section, as added by subsection (a) of this section.

SA 6151. Mr. KELLY (for himself, Ms. SINEMA, 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 B of title I, add the following:

SEC. 112. FUNDING FOR 60KVA GENERATORS FOR UTILITY HELICOPTERS.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for procurement for the Army, as specified in the corresponding funding table in section 4101, for Utility Helicopter Mods, Line 026, is hereby increased by $10,000,000 for 60kVA Generators.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance for the Army, as specified in the corresponding funding table in section 4301, for Other Service Support, Line 490, is hereby reduced by $10,000,000.

SA 6152. 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 B of title XXXI, add the following:

SEC. 3118. PROHIBITION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT, PRODUCTION, OR DEPLOYMENT OF NUCLEAR-ARMED SEA-LAUNCHED CRUISE MISSILE AND ASSOCIATED WARHEAD.

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

(1) The United States nuclear arsenal comprises approximately 3,800 nuclear warheads in the active stockpile and a force structure of long-range and short-range delivery systems, including—

(A) land-based intercontinental ballistic missiles;

(B) submarine-launched ballistic missiles that can deliver both low-yield and higher-yield nuclear warheads;

(C) long-range strategic bomber aircraft capable of carrying nuclear-armed air-launched cruise missile and nuclear gravity bombs; and

(D) short-range fighter aircraft that can deliver nuclear gravity bombs.

(2) In 2010, the United States retired the nuclear-armed sea-launched cruise missile, or the TLAM–N, after concluding in the 2010 Nuclear Posture Review that the capability ''serve[d] a redundant purpose in the U.S. nuclear stockpile''.

(3) Ten years later, in 2020, the United States initiated studies into a new nuclear-armed sea-launched cruise missile and associated warhead, after concluding in the 2018 Nuclear Posture Review that the weapon system would provide a ''non-strategic regional presence'' and ''an assured response capability''.

(4) The United States possesses an array of nuclear weapons systems, including both air- and sea-based capabilities, that provide an effective regional deterrent presence, making the nuclear-armed sea-launched cruise missile a redundant, unnecessary capability.

(5) Deploying nuclear-armed sea-launched cruise missiles on attack submarines or surface ships risks detracting from the core military missions of such submarines and ships, such as tracking enemy submarines, protecting United States carrier groups, and conducting conventional strikes on priority land targets.

(6) Stationing nuclear-armed sea-launched cruise missiles on such submarines or ships also risks complicating port visits and joint operations with some allies and partners of the United States, which in turn would reduce the operational effectiveness of such submarines and ships and the deterrent value of deployed nuclear-armed sea-launched cruise missiles.

(7) A January 2019 analysis of the Congressional Budget Office estimated that the projected costs of the nuclear-armed sea-launched cruise missile program from 2019 to 2028 would total $9,000,000,000, adding additional costs and resource requirements to the United States nuclear modernization program and increasing pressure on the Navy budget as the Navy plans for increases in shipbuilding while funding the Columbia-class submarine program.

(8) The cost of the nuclear-armed sea-launched cruise missile program will be larger, as the estimate of the Congressional Budget Office did not account for costs related to integrating nuclear-armed sea-launched cruise missiles on attack submarines or surface ships, nuclear weapons-specific training for Navy personnel, or storage and security for nuclear warheads.

(b) PROHIBITION ON USE OF FUNDS.—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 and development, production, or deployment of the nuclear-armed sea-launched cruise missile and its associated nuclear warhead.

SA 6153. 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 appropriate place, insert the following:

SEC. _____. ALLOCATION OF AUTHORITY FOR NOMINATIONS TO THE UNITED STATES MERCHANT MARINE ACADEMY IN THE EVENT OF THE DEATH, RESIGNATION, OR EXPULSION FROM OFFICE OF A MEMBER OF CONGRESS.

(a) UNITED STATES MERCHANT MARINE ACADEMY.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by inserting after section 51324 the following new section:

''§ 51325. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate

''(a) SENATORS.—In the event a Senator does not submit nominations for cadets for

an academic year in accordance with section 51302(b)(1) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

''(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for cadets for an academic year in accordance with section 51302(b)(2) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Representative pursuant to such section shall be made instead by the Senators from the State from the district of the Representative, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

''(c) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Senator pursuant to this section is in addition to any nomination for cadets otherwise authorized the Senator under section 51302 of this title or any other provision of law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by inserting after the item relating to section 51324 the following new item:

''51325. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.''.

SA 6154. Mr. VAN HOLLEN (for himself 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 title XII, add the following:

Subtitle G—Young African Leaders Initiative Act of 2022

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Young African Leaders Initiative Act of 2022'' or the ''YALI Act of 2022''.

SEC. 1282. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Young African Leaders Initiative, launched in 2010, is a signature effort to invest in the next generation of African leaders;

(2) Africa is a continent of strategic importance and it is vital for the United States to support strong and enduring partnerships with the next generation of African leaders; and

(3) the United States Government should prioritize investments to build the capacity of emerging young African leaders in sub-Saharan Africa, including through efforts to enhance leadership skills, encourage entrepreneurship, strengthen public administration and the role of civil society, and connect young African leaders continentally and globally across the private, civic, and public sectors.

SEC. 1283. YOUNG AFRICAN LEADERS INITIATIVE PROGRAM.

(a) IN GENERAL.—There is established in the Department of State the Young African Leaders Initiative Program (referred to in this Act as the ''YALI Program'').

(b) PURPOSE.—The YALI Program shall seek to build the capacity of young African leaders in sub-Saharan Africa in the areas of business, civic engagement, or public administration, including through efforts—

(1) to support young African leaders by offering professional development, training, and networking opportunities, particularly in the areas of leadership, innovation, civic engagement, elections, human rights, entrepreneurship, good governance, and public administration; and

(2) to provide increased economic and technical assistance to young African leaders to promote economic growth and strengthen ties between United States and African businesses.

(c) FELLOWSHIPS.—The YALI Program shall award fellowships through the Mandela Washington Fellowship for Young African Leaders Program to young African leaders who—

(1) are between 18 and 35 years of age;

(2) have demonstrated strong capabilities in entrepreneurship, innovation, public service, and leadership; and

(3) have had a positive impact in their communities, organizations, or institutions.

(d) REGIONAL LEADERSHIP CENTERS.—The YALI Program shall seek to establish regional leadership centers in sub-Saharan Africa to offer training to young African leaders who—

(1) are between 18 and 35 years of age;

(2) have demonstrated strong capabilities in entrepreneurship, innovation, public service and leadership; and

(3) have had a positive impact in their communities, organizations, or institutions.

(e) ACTIVITIES.—

(1) UNITED STATES-BASED ACTIVITIES.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the heads of other relevant Federal departments and agencies, shall oversee all United States-based activities carried out under the YALI Program, including the participation of Mandela Washington fellows in—

(A) a 6-week leadership institute at a United States university or college in business, civic engagement, or public management, including academic sessions, site visits, professional networking opportunities, leadership training, community service, and organized cultural activities; and

(B) an annual Mandela Washington Fellowship Summit to provide such fellows the opportunity to meet with United States leaders from the private, public, and nonprofit sectors.

(2) AFRICA-BASED ACTIVITIES.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the heads of other relevant Federal departments and agencies, should continue to support existing Young African Leaders Initiative programs in sub-Saharan Africa, including—

(A) access to continued leadership training and other professional development opportunities for Mandela Washington Fellowship for Young African Leaders alumni upon their return to their home countries, including online courses, technical assistance, and access to funding;

(B) training for young African leaders at regional leadership centers established in accordance with subsection (d), and through online and in-person courses offered by such centers; and

(C) opportunities for networking and engagement with—

(i) other alumni of the Mandela Washington Fellowship for Young African Leaders;

(ii) alumni of programs at regional leadership centers established in accordance with subsection (d); and

(iii) United States and like-minded diplomatic missions, business leaders, and others, as appropriate.

(3) IMPLEMENTATION.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the heads of other relevant Federal departments and agencies, shall seek to partner with the private sector to pursue public-private partnerships, leverage private sector expertise, expand networking opportunities, and identify funding opportunities and fellowship and employment opportunities for participants in the YALI Program.

(f) IMPLEMENTATION PLAN.—Not later than 180 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 and the heads of other relevant Federal departments and agencies, shall submit a plan to the appropriate congressional committees for implementing the YALI Program, which plan shall include—

(1) a description of clearly defined program goals, targets, and planned outcomes for each year and for the duration of implementation of the YALI Program;

(2) a strategy to monitor and evaluate the YALI Program and progress made toward achieving such goals, targets, and planned outcomes; and

(3) a strategy to ensure that the YALI Program is promoting United States foreign policy goals in Africa, including ensuring that the YALI Program is clearly branded and paired with robust public diplomacy efforts.

(g) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees and publish in a publicly accessible, internet-based form, a report that contains—

(1) a description of the progress made toward achieving the goals, targets, and planned outcomes described in subsection (f)(1), including an overview of the implementation of the YALI Program during the previous year and an estimated number of YALI Program beneficiaries during such year;

(2) an assessment of how the YALI Program is contributing to and promoting United States-Africa relations, particularly in areas of increased private sector investment, trade promotion, support to civil society, improved public administration, and fostering entrepreneurship and youth empowerment; and

(3) recommendations for improvements or changes to the YALI Program and implementation plan, if any, that would improve its effectiveness during subsequent years of implementation of the YALI Program.

(h) DEFINED TERM.—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.

(i) SUNSET.—The YALI Program shall terminate on the date that is 5 years after the date of the enactment of this Act.

SA 6155. Mr. VAN HOLLEN (for himself, Mr. CARPER, Ms. DUCKWORTH, Mr. BLUMENTHAL, and 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 title X, add the following:

Subtitle H—District of Columbia National Guard Home Rule

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''District of Columbia National Guard Home Rule Act''.

SEC. 1082. EXTENSION OF NATIONAL GUARD AUTHORITIES TO MAYOR OF THE DISTRICT OF COLUMBIA.

(a) MAYOR AS COMMANDER-IN-CHIEF.—Section 6 of the Act entitled ''An Act to provide for the organization of the militia of the District of Columbia, and for other purposes'', approved March 1, 1889 (sec. 49–409, D.C. Official Code), is amended by striking ''President of the United States'' and inserting ''Mayor of the District of Columbia''.

(b) RESERVE CORPS.—Section 72 of such Act (sec. 49–407, D.C. Official Code) is amended by striking ''President of the United States'' each place it appears and inserting ''Mayor of the District of Columbia''.

(c) APPOINTMENT OF COMMISSIONED OFFICERS.—(1) Section 7(a) of such Act (sec. 49–301(a), D.C. Official Code) is amended—

(A) by striking ''President of the United States'' and inserting ''Mayor of the District of Columbia''; and

(B) by striking ''President.'' and inserting ''Mayor.''.

(2) Section 9 of such Act (sec. 49–304, D.C. Official Code) is amended by striking ''President'' and inserting ''Mayor of the District of Columbia''.

(3) Section 13 of such Act (sec. 49–305, D.C. Official Code) is amended by striking ''President of the United States'' and inserting ''Mayor of the District of Columbia''.

(4) Section 19 of such Act (sec. 49–311, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''to the Secretary of the Army'' and all that follows through ''which board'' and inserting ''to a board of examination appointed by the Commanding General, which''; and

(B) in subsection (b), by striking ''the Secretary of the Army'' and all that follows through the period and inserting ''the Mayor of the District of Columbia, together with any recommendations of the Commanding General.''.

(5) Section 20 of such Act (sec. 49–312, D.C. Official Code) is amended—

(A) by striking ''President of the United States'' each place it appears and inserting ''Mayor of the District of Columbia''; and

(B) by striking ''the President may retire'' and inserting ''the Mayor may retire''.

(d) CALL FOR DUTY.—(1) Section 45 of such Act (sec. 49–103, D.C. Official Code) is amended by striking '', or for the United States Marshal'' and all that follows through ''shall thereupon order'' and inserting ''to order''.

(2) Section 46 of such Act (sec. 49–104, D.C. Official Code) is amended by striking ''the President'' and inserting ''the Mayor of the District of Columbia''.

(e) GENERAL COURTS MARTIAL.—Section 51 of such Act (sec. 49–503, D.C. Official Code) is amended by striking ''the President of the United States'' and inserting ''the Mayor of the District of Columbia''.

SEC. 1083. CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) FAILURE TO SATISFACTORILY PERFORM PRESCRIBED TRAINING.—Section 10148(b) of title 10, United States Code, is amended by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''.

(b) APPOINTMENT OF CHIEF OF NATIONAL GUARD BUREAU.—Section 10502(a)(1) of such title is amended by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''.

(c) VICE CHIEF OF NATIONAL GUARD BUREAU.—Section 10505(a)(1)(A) of such title is amended by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''.

(d) OTHER SENIOR NATIONAL GUARD BUREAU OFFICERS.—Section 10506(a)(1) of such title is amended by striking ''the commanding general of the District of Columbia National Guard'' both places it appears and inserting ''the Mayor of the District of Columbia''.

(e) CONSENT FOR ACTIVE DUTY OR RELOCATION.—(1) Section 12301 of such title is amended—

(A) in subsection (b), by striking ''commanding general of the District of Columbia National Guard'' in the second sentence and inserting ''Mayor of the District of Columbia''; and

(B) in subsection (d), by striking the period at the end and inserting the following: '', or, in the case of the District of Columbia National Guard, the Mayor of the District of Columbia.''.

(2) Section 12406 of such title is amended by striking ''the commanding general of the National Guard of the District of Columbia'' and inserting ''the Mayor of the District of Columbia''.

(f) CONSENT FOR RELOCATION OF UNITS.—Section 18238 of such title is amended by striking ''the commanding general of the National Guard of the District of Columbia'' and inserting ''the Mayor of the District of Columbia''.

SEC. 1084. CONFORMING AMENDMENTS TO TITLE 32, UNITED STATES CODE.

(a) MAINTENANCE OF OTHER TROOPS.—Section 109(c) of title 32, United States Code, is amended by striking ''(or commanding general in the case of the District of Columbia)''.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—Section 112(h)(2) of such title is amended by striking ''the Commanding General of the National Guard of the District of Columbia'' and inserting ''the Mayor of the District of Columbia''.

(c) ADDITIONAL ASSISTANCE.—Section 113 of such title is amended by adding at the end the following new subsection:

''(e) INCLUSION OF DISTRICT OF COLUMBIA.—In this section, the term 'State' includes the District of Columbia.''.

(d) APPOINTMENT OF ADJUTANT GENERAL.—Section 314 of such title is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (b) (as so redesignated), by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia,''.

(e) RELIEF FROM NATIONAL GUARD DUTY.—Section 325(a)(2)(B) of such title is amended by striking ''commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''.

(f) AUTHORITY TO ORDER TO PERFORM ACTIVE GUARD AND RESERVE DUTY.—

(1) AUTHORITY.—Subsection (a) of section 328 of such title is amended by striking ''the commanding general'' and inserting ''the Mayor of the District of Columbia after consultation with the commanding general''.

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 328. Active Guard and Reserve duty: authority of chief executive''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 328 and inserting the following new item:

''328. Active Guard and Reserve duty: authority of chief executive.''.

(g) PERSONNEL MATTERS.—Section 505 of such title is amended by striking ''commanding general of the National Guard of the District of Columbia'' in the first sentence and inserting ''Mayor of the District of Columbia''.

(h) NATIONAL GUARD CHALLENGE PROGRAM.—Section 509 of such title is amended—

(1) in subsection (c)(1), by striking ''the commanding general of the District of Columbia National Guard, under which the Governor or the commanding general'' and inserting ''the Mayor of the District of Columbia, under which the Governor or the Mayor'';

(2) in subsection (g)(2), by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia'';

(3) in subsection (j), by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''; and

(4) in subsection (k), by striking ''the commanding general of the District of Columbia National Guard'' and inserting ''the Mayor of the District of Columbia''.

(i) ISSUANCE OF SUPPLIES.—Section 702(a) of such title is amended by striking ''commanding general of the National Guard of the District of Columbia'' and inserting ''Mayor of the District of Columbia''.

(j) APPOINTMENT OF FISCAL OFFICER.—Section 708(a) of such title is amended by striking ''commanding general of the National Guard of the District of Columbia'' and inserting ''Mayor of the District of Columbia''.

SEC. 1285. CONFORMING AMENDMENT TO THE DISTRICT OF COLUMBIA HOME RULE ACT.

Section 602(b) of the District of Columbia Home Rule Act (sec. 1–206.02(b), D.C. Official Code) is amended by striking ''the National Guard of the District of Columbia,''.

SA 6156. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel 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. DEPARTMENT OF DEFENSE SPENDING REDUCTIONS IN THE ABSENCE OF AN UNQUALIFIED AUDIT OPINION.

If during any fiscal year after fiscal year 2023, the Secretary of Defense determines that a department, agency, or other element of the Department of Defense has not achieved an unqualified opinion on its full financial statements for the calendar year ending during such fiscal year—

(1) the amount available to such department, agency, or element for the fiscal year in which such determination is made shall be equal to the amount otherwise authorized to be appropriated minus 1.0 percent;

(2) the amount unavailable to such department, agency, or element for that fiscal year pursuant to paragraph (1) shall be applied on a pro rata basis against each program, project, and activity of such department, agency, or element in that fiscal year; and

(3) the Secretary shall deposit in the general fund of the Treasury for purposes of deficit reduction all amounts unavailable to departments, agencies, and elements of the Department in the fiscal year pursuant to determinations made under paragraph (1).

SA 6157. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 829. PROHIBITION ON CONTRACTING WITH EMPLOYERS THAT VIOLATED THE NATIONAL LABOR RELATIONS ACT.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not enter into a contract with an employer if the National Labor Relations Board has made a finding that the employer has violated section 8(a) of the National Labor Relations Act (29 U.S.C. 158), including a regulation promulgated under such section, by committing an unfair labor practice under such section during the three-year period preceding the proposed date of award of the contract.

(b) EXCEPTIONS.—The Secretary of Defense may enter into a contract with an employer described in subsection (a) if—

(1) a finding described in such subsection with respect to the employer is through an order or judgment that has been reversed, vacated, or rescinded; or

(2) each labor organization representing employees of such employer who are affected by the finding described in such subsection for the purposes of collective bargaining certifies to the Secretary that the employer—

(A) is in compliance with any relevant collective bargaining agreements on the date on which such contract is awarded; or

(B) has bargained in good faith to reach collective bargaining agreements.

(c) DEFINITIONS.—In this section, the terms ''employer'', ''employee'', and ''labor organization'' have the meanings given such terms, respectively, in section 2 of the National Labor Relations Act (29 U.S.C. 152).

(d) APPLICABILITY.—This section and the requirements of this section shall apply to a contract entered into on or after October 1, 2023.

SA 6158. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. IMPROVEMENTS TO FINANCIAL MANAGEMENT SYSTEMS OF DEPARTMENT OF DEFENSE.

(a) REQUIREMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of the Defense shall ensure—

(1) establishment of measures to determine if the Department of Defense is succeeding in achieving the goals described in its financial management strategy;

(2) establishment of a specific time frame for developing an enterprise road map to implement that strategy and that such a road map is developed;

(3) development of detailed migration plans for—

(A) the General Accounting and Finance System-Reengineered of the Air Force;

(B) the Standard Accounting and Reporting System of the Navy; and

(C) the Standard Finance System and the Standard Operation and Maintenance Army Research and Development System of the Army;

(4) implementation of a mechanism for identifying financial management systems that support the preparation of the financial statements of the Department in the systems inventory and budget data of the Department, and the identification of a complete list of financial management systems; and

(5) restriction of obligation and expenditure of funds for its financial management systems to only what is essential to maintain functioning systems and help ensure system security until the Department has completed the tasks required by paragraphs (1) through (4).

(b) REPORTS REQUIRED.—

(1) STATUS REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit a written report on how the requirements of subsection (a) have been met to—

(A) the congressional defense committees;

(B) the Committees on the Budget of the Senate and the House of Representatives; and

(C) the Comptroller General of the United States.

(2) DEFENSE BUSINESS SYSTEMS AUDIT REMEDIATION PLAN.—After submission of the report required by paragraph (1), each subsequent report of the Secretary of Defense on the Defense Business Systems Audit Remediation Plan required by section 240g of title 10, United States Code, shall include, in a consistent annual format, an update on the implementation of the plans, measures, road maps, and mechanisms developed under subsection (a).

SA 6159. 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 end of subtitle B of title X, add the following:

SEC. 1012. DEPARTMENT OF HOMELAND SECURITY JOINT TASK FORCES.

(a) SHORT TITLE.—This section may be cited as the ''DHS Joint Task Forces Reauthorization Act of 2022''.

(b) SENSE OF THE SENATE.— It is the sense of the Senate that the Department of Homeland Security should consider using the authority under section 708(b) of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) to create a Joint Task Force described in such subsection to improve coordination and response to the number of encounters and amount of seizures of illicit narcotics along the southwest border.

(c) AMENDING SECTION 708 OF THE HOMELAND SECURITY ACT OF 2002.—Section 708(b) of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) is amended—

(1) by amending paragraph (8) to read as follows:

''(8) JOINT TASK FORCE STAFF.—

''(A) IN GENERAL.—Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of that Joint Task Force in carrying out the mission and responsibilities of the Joint Task Force.

''(B) REPORT.—The Secretary shall include in the report submitted under paragraph (6)(F)—

''(i) the number of personnel permanently assigned to each Joint Task Force by each component and office; and

''(ii) the number of personnel assigned on a temporary basis to each Joint Task Force by each component and office.'';

(2) in paragraph (9)—

(A) in the paragraph heading, by inserting ''STRATEGY AND'' after ''ESTABLISHMENT OF'';

(B) by amending subparagraph (A) to read as follows:

''(A) use leading practices in performance management and lessons learned by other law enforcement task forces and joint operations to establish a strategy for each Joint Task Force that contains—

''(i) the mission of each Joint Task Force and strategic goals and objectives to assist the Joint Task Force in accomplishing that mission; and

''(ii) outcome-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force and measure progress towards the goals and objectives described in clause (i), which include—

''(I) targets for current and future fiscal years; and

''(II) a description of the methodology used to establish those metrics and any limitations with respect to data or information used to assess performance;'';

(C) in subparagraph (B)—

(i) by striking ''enactment of this section'' and insert ''enactment of the DHS Joint Task Forces Reauthorization Act of 2022'';

(ii) by inserting ''strategy and'' after ''Senate the''; and

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

(D) by amending subparagraph (C) to read as follows:

''(C) beginning not later than 1 year after the date of enactment of the DHS Joint Task Forces Reauthorization Act of 2022, submit an annual report to each committee referred to in subparagraph (B) that—

''(i) contains the evaluation described in subparagraphs (A) and (B); and

''(ii) outlines the progress in implementing outcome-based and other performance metrics referred to in subparagraph (A)(ii).'';

(3) in paragraph (11)(A), by striking the period at the end and inserting the following: '', which shall include—

''(i) the justification, focus, and mission of the Joint Task Force; and

''(ii) a strategy for the conduct of the Joint Task Force, including goals and performance metrics for the Joint Task Force.'';

(4) in paragraph (12)—

(A) in subparagraph (A), by striking ''January 31, 2018, and January 31, 2021, the Inspector General of the Department'' and inserting ''1 year after the date of enactment of the DHS Joint Task Forces Reauthorization Act of 2022, the Comptroller General of the United States''; and

(B) in subparagraph (B), by striking clauses (i) and (ii) and inserting the following:

''(i) an assessment of the structure of each Joint Task Force;

''(ii) an assessment of the effectiveness of oversight over each Joint Task Force;

''(iii) an assessment of the strategy of each Joint Task Force; and

''(iv) an assessment of staffing levels and resources of each Joint Task Force.''; and

(5) in paragraph (13), by striking ''September 30, 2022'' and inserting ''September 30, 2024''.

SA 6160. Ms. WARREN (for herself, Mr. BRAUN, and 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. STREAMLINING BUDGET PROCESS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by striking sections 222a and 222b.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the items relating to sections 222a and 222b.

SA 6161. Ms. WARREN (for herself, Mr. MURPHY, Mr. LEAHY, 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:

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

SEC. 1064. ANNUAL REPORT ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

Section 1057(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is amended—

(1) in paragraph (1), by striking ''that were confirmed, or reasonably suspected, to have resulted in civilian casualties'' and inserting ''that resulted in civilian casualties that have been confirmed or are reasonably suspected to have occurred'';

(2) in paragraph (2)—

(A) in subparagraph (B), by inserting '', including, to the extent practicable, geographic coordinates of any strike resulting in civilian casualties occurring as a result of the conduct of the operation'' after ''location'';

(B) in subparagraph (D), by inserting before the period the following: '', including the justification for each strike conducted as part of the operation'';

(C) in subparagraph (E), by inserting before the period at the end the following: '', formulated as a range, if necessary, and including, to the extent practicable, information regarding the number of men, women, and children involved''; and

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

''(F) For each strike carried out as part of the operation, an assessment of the destruction of civilian property.

''(G) A summary of the determination of each completed civilian casualty assessment or investigation.

''(H) For each investigation into an incident that resulted in civilian casualties—

''(i) whether the Department conducted any witness interviews or site visits occurred, and if not, an explanation of why not; and

''(ii) whether information pertaining to the incident that was collected by one or more non-governmental entities was considered, if such information exists.''; and

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

''(4) A description of any new or updated civilian harm policies and procedures implemented by the Department of Defense.''.

SA 6162. Ms. WARREN (for herself, Mr. BRAUN, and 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—Cull Unfunded Requirement Budget Act

SECTION 1081. SHORT TITLE.

This subtitle may be cited as the ''Cull Unfunded Requirement Budget Act'' or the ''CURB Act''.

SEC. 1082. BUDGET NEUTRAL WISH LISTS.

(a) BUDGET NEUTRAL PROPOSALS.—Section 222a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) PRIORITIZATION OF OFFSETS.—Each report shall specify offsets contained in the budget under the jurisdiction or command of such officer for the total amount of spending proposed under paragraph (1) that would be available for the same time period as the funding requested. Any proposed offsets shall include the following:

''(A) A summary description of the offset.

''(B) The amount of funds recommended to be offset in connection with subparagraph (A).

''(C) Account information with respect to each offset, including the following (as applicable):

''(i) Line Item Number (LIN) for applicable procurement accounts.

''(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

''(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.''.

(b) BUDGET NEUTRAL PROPOSALS.—Section 222b(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) PRIORITIZATION OF OFFSETS.—Each report shall specify offsets contained in the budget under the jurisdiction or command of such officer for the total amount of spending proposed in paragraph (1) that would be available for the same time period as the funding requested. Any proposed offsets shall include the following:

''(A) A summary description of such offset.

''(B) The amount of funds recommended to be offset in connection with subparagraph (A).

''(C) Account information with respect to each offset, including the following (as applicable):

''(i) Line Item Number (LIN) for applicable procurement accounts.

''(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

''(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.''.

SEC. 1083. TRANSPARENCY.

(a) PUBLIC REPORTING.—Section 222a of title 10, United States Code, is amended—

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

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

''(d) PUBLIC REPORTING.—Not later than 5 days after submitting the report required under subsection (a), each officer specified in subsection (b) shall post the report in an unclassified, publicly releasable form on a publicly available government website and in the Department of Defense's Freedom of Information Act reading room in machine-readable form.''.

(b) PUBLIC REPORTING.—Section 222b of title 10, United States Code, is amended—

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

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

''(c) PUBLIC REPORTING.—Not later than 5 days after submitting the report required under subsection (a), the Director shall post the report in an unclassified, publicly releasable form on a publicly available government website and in the Department of Defense's Freedom of Information Act reading room in machine-readable form.''.

SA 6163. Ms. WARREN (for herself, Mr. BOOKER, 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:

TITLE _____—FEDERAL EMERGENCY MANAGEMENT ADVANCEMENT OF EQUITY

SEC. ___01. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Emergency Management Agency.

(2) AGENCY.—The term ''Agency'' means the Federal Emergency Management Agency.

(3) EMERGENCY.—The term ''emergency'' means an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191).

(4) EQUITY.—The term ''equity'' means the guarantee of fair treatment, advancement, equal opportunity, and access for underserved communities and others, the elimination of barriers that have prevented full participation for underserved communities, and the reduction of disparate outcomes.

(5) EQUITABLE.—The term ''equitable'' means having or exhibiting equity.

(6) FEDERAL ASSISTANCE.—The term ''Federal assistance'' means assistance provided pursuant to—

(A) a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(B) sections 203 and 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

(C) section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c).

(7) MAJOR DISASTER.—The term ''major disaster'' means 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).

(8) UNDERSERVED COMMUNITY.—The term ''underserved community'' means—

(A) the Native-American and Alaskan-Native community;

(B) the African-American community;

(C) the Asian community;

(D) the Hispanic community (including individuals of Mexican, Puerto Rican, Cuban, and Central or South American origin);

(E) the Pacific Islander community;

(F) the Middle Eastern and North African community;

(G) a rural community;

(H) a low-income community;

(I) individuals with disabilities;

(J) a limited English proficiency community;

(K) other individuals or communities otherwise adversely affected by persistent poverty or inequality; and

(L) any other disadvantaged community, as determined by the Administrator.

Subtitle A—Ensuring Equity in Federal Disaster Management

SEC. ___11. DATA COLLECTION, ANALYSIS, AND CRITERIA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall, in consultation with the Secretary of Housing and Urban Development and the Administrator of the Small Business Administration, develop and implement a process to ensure equity in the provision of Federal assistance and throughout all programs and policies of the Agency.

(b) SPECIFIC AREAS FOR CONSULTATION.—In carrying out subsection (a), the Administrator shall identify requirements for ensuring the quality, consistency, accessibility, and availability of information needed to identify programs and policies of the Agency that may not support the provision of equitable Federal assistance, including—

(1) information requirements;

(2) data sources and collection methods; and

(3) strategies for overcoming data or other information challenges.

(c) MODIFICATION OF DATA COLLECTION SYSTEMS.—The Administrator shall modify the data collection systems of the Agency based on the process developed under subsection (a) to ensure the quality, consistency, accessibility, and availability of information needed to identify any programs and policies of the Agency that may not support the provision of equitable Federal assistance.

SEC. ___12. CRITERIA FOR ENSURING EQUITY IN POLICIES AND PROGRAMS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop, disseminate, and update, as appropriate, criteria to apply to policies and programs of the Agency to ensure equity in the provision of Federal assistance and throughout all programs and policies of the Agency.

(b) CONSULTATION.—In developing and disseminating the criteria required under subsection (a), the Administrator shall consult with—

(1) the Office for Civil Rights and Civil Liberties of the Department of Homeland Security;

(2) the Department of Housing and Urban Development; and

(3) the Small Business Administration.

(c) INTEGRATION OF CRITERIA.—

(1) IN GENERAL.—The Administrator shall, to the maximum extent possible, integrate the criteria developed under subsection (a) into existing and future processes related to the provision of Federal assistance.

(2) PRIORITY.—The Administrator shall prioritize integrating the criteria under paragraph (1) into processes related to the provision of—

(A) assistance under sections 402, 403, 406, 407, 428, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5172, 5173, 5189f, 5192);

(B) Federal assistance to individuals and households under section 408 of such Act (42 U.S.C. 5174);

(C) hazard mitigation assistance under section 404 of such Act (42 U.S.C. 5170c); and

(D) predisaster hazard mitigation assistance under section 203 of such Act (42 U.S.C. 5133).

SEC. ___13. METRICS; REPORT.

(a) METRICS.—In carrying out this subtitle, the Administrator shall—

(1) establish metrics to measure the efficacy of the process developed under section ___11 and the criteria developed under section ___12; and

(2) seek input from relevant representatives of State, regional, local, territorial, and Tribal governments, representatives of community-based organizations, subject matter experts, and individuals from underserved communities impacted by disasters.

(b) REPORT.—Not later than one year after the dissemination of the criteria under section ___12(a), and annually thereafter, the Administrator shall submit to Congress a report describing how the criteria and processes developed under this subtitle have impacted efforts to ensure equity in the provision of Federal assistance and throughout all programs and policies of the Agency, including—

(1) any obstacles identified or areas for improvement with respect to implementation of such criteria and processes, including any recommended legislative changes;

(2) the effectiveness of such criteria and processes, as measured by the metrics established under subsection (a); and

(3) any impacts of such criteria and processes on the provision of Federal assistance, with specific attention to impacts related to efforts within the Agency to address barriers to access and reducing disparate outcomes.

Subtitle B—Operational Enhancement to Improve Equity in Federal Disaster Management

SEC. ___21. EQUITY ADVISOR.

(a) IN GENERAL.—The Administrator shall designate a senior official within the Agency as an equity advisor to the Administrator to be responsible for advising the Administrator on Agency efforts to ensure equity in the provision of Federal assistance and throughout all programs and policies of the Agency.

(b) QUALIFICATIONS.—In designating an equity advisor under subsection (a), the Administrator shall select an individual who is a qualified expert with significant experience with respect to equity policy, civil rights policy, or programmatic reforms.

(c) DUTIES.—In addition to advising the Administrator, the equity advisor designated under subsection (a) shall—

(1) participate in the implementation of sections ___11 and ___12 of subtitle A of this title;

(2) monitor equity the implementation of equity efforts within the Agency and within Agency Regions to ensure consistency in the implementation of policy or programmatic changes intended to ensure equity in the provision of Federal assistance and throughout all programs and policies of the Agency;

(3) identify ways to improve the policies and programs of the Agency to ensure that such policies and programs are equitable, including enhancing opportunities to support underserved populations in preparedness, mitigation, protection, response, and recovery; and

(4) any other activities the Administrator considers appropriate.

(d) CONSULTATION.—In carrying out the duties under this section, the equity advisor shall, on an ongoing basis, consult with representatives of underserved communities, including communities directly impacted by disasters, to evaluate opportunities and develop approaches to advancing equity within the Agency, including by increasing coordination, communication, and engagement with—

(1) community-based organizations;

(2) civil rights organizations;

(3) institutions of higher education;

(4) research institutions;

(5) academic organizations specializing in diversity, equity, and inclusion issues; and

(6) religious and faith-based organizations.

SEC. ___22. EQUITY ENTERPRISE STEERING GROUP.

(a) ESTABLISHMENT.—There is established in the Agency a steering group to advise the Administrator on how to ensure equity in the provision of Federal assistance and throughout all programs and policies of the Agency.

(b) RESPONSIBILITIES.—In carrying out subsection (a), the steering group established under this section shall—

(1) review and, as appropriate, recommend changes to Agency-wide policies, procedures, plans, and guidance;

(2) support the development and implementation of the processes and criteria developed under subtitle A; and

(3) monitor the integration and establishment of metrics developed under section ___13 of subtitle A of this title.

(c) COMPOSITION.—The Administrator shall appoint the following individuals as members of the steering group established under subsection (a):

(1) Representatives from each of the following offices of the Agency:

(A) The Office of Equal Rights.

(B) The Office of Response and Recovery.

(C) FEMA Resilience.

(D) The Office of Disability Integration and Coordination.

(E) The United States Fire Administration.

(F) The mission support office of the Agency.

(G) The Office of Chief Counsel.

(H) The Office of the Chief Financial Officer.

(I) The Office of Policy and Program Analysis.

(J) The Office of External Affairs.

(2) The administrator of each Regional Office, or his or her designee.

(3) The equity advisor, as designated by the Administrator under section ___21.

(4) A representative from the Office for Civil Rights and Civil Liberties of the Department of Homeland Security.

(5) The Superintendent of the Emergency Management Institute.

(6) The National Tribal Affairs Advisor of the Agency.

(7) Any other official of the Agency the Administrator determines appropriate.

(d) LEADERSHIP.—The Administrator shall designate 1 or more members of the steering group established under subsection (a) to serve as chair of the steering group.

SEC. ___23. GAO REVIEW OF EQUITY REFORMS.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall issue a report to evaluate the implementation of this subtitle and subtitle A.

Subtitle C—GAO Review of Factors to Determine Assistance

SEC. ___31. GAO REVIEW OF FACTORS TO DETERMINE ASSISTANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall issue a report describing the factors the Agency considers when evaluating a request from a Governor to declare that a major disaster or emergency exists and to authorize assistance under sections 402, 403, 406, 407, 408, 428, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5172, 5173, 5174, 5189f, 5192).

(b) CONTENTS.—The report issued under subsection (a) shall include—

(1) an assessment of—

(A) the degree to which the factors the Agency considers when evaluating a request for a major disaster or emergency declaration—

(i) affect equity for underserved communities, particularly with respect to major disaster and emergency declaration requests, approvals of such requests, and the authorization of assistance described in subsection (a); and

(ii) are designed to deliver equitable outcomes;

(B) how the Agency utilizes such factors or monitors whether such factors result in equitable outcomes;

(C) the extent to which major disaster and emergency declaration requests, approvals of such requests, and the authorization of assistance described in subsection (a), are more highly correlated with high-income counties compared to lower-income counties;

(D) whether the process and administrative steps for conducting preliminary damage assessments are equitable; and

(E) to the extent practicable, whether such factors may deter a Governor from seeking a major disaster or emergency declaration for potentially eligible counties; and

(2) a consideration of the extent to which such factors affect underserved communities—

(A) of varying size;

(B) with varying population density and demographic characteristics;

(C) with limited emergency management staff and resources; and

(D) located in urban or rural areas.

(c) RECOMMENDATIONS.—The Comptroller General of the United States shall include in the report issued under subsection (a) any recommendations for changes to the factors the Agency considers when evaluating a request for a major disaster or emergency declaration to account for underserved communities.

SA 6164. Ms. WARREN (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. POSTSECONDARY STUDENT DATA SYSTEM.

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

(b) POSTSECONDARY STUDENT DATA SYSTEM.—Section 132 of the Higher Education Act of 1965 (20 U.S.C. 1015a) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

''(l) POSTSECONDARY STUDENT DATA SYSTEM.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF SYSTEM.—Not later than 4 years after the date of enactment of the College Transparency Act, the Commissioner of the National Center for Education Statistics (referred to in this subsection as the 'Commissioner') shall develop and maintain a secure, privacy-protected postsecondary student-level data system in order to—

''(i) accurately evaluate student enrollment patterns, progression, completion, and postcollegiate outcomes, and higher education costs and financial aid;

''(ii) assist with transparency, institutional improvement, and analysis of Federal aid programs;

''(iii) provide accurate, complete, and customizable information for students and families making decisions about postsecondary education; and

''(iv) reduce the reporting burden on institutions of higher education, in accordance with section ___(b) of the College Transparency Act.

''(B) AVOIDING DUPLICATED REPORTING.—Notwithstanding any other provision of this section, to the extent that another provision of this section requires the same reporting or collection of data that is required under this subsection, an institution of higher education, or the Secretary or Commissioner, may use the reporting or data required for the postsecondary student data system under this subsection to satisfy both requirements.

''(C) DEVELOPMENT PROCESS.—In developing the postsecondary student data system described in this subsection, the Commissioner shall—

''(i) focus on the needs of—

''(I) users of the data system; and

''(II) entities, including institutions of higher education, reporting to the data system;

''(ii) take into consideration, to the extent practicable—

''(I) the guidelines outlined in the U.S. Web Design Standards maintained by the General Services Administration and the Digital Services Playbook and TechFAR Handbook for Procuring Digital Services Using Agile Processes of the U.S. Digital Service; and

''(II) the relevant successor documents or recommendations of such guidelines;

''(iii) use modern, relevant privacy- and security-enhancing technology, and enhance and update the data system as necessary to carry out the purpose of this subsection;

''(iv) ensure data privacy and security is consistent with any Federal law relating to privacy or data security, including—

''(I) the requirements of subchapter II of chapter 35 of title 44, United States Code, specifying security categorization under the Federal Information Processing Standards or any relevant successor of such standards;

''(II) security requirements that are consistent with the Federal agency responsibilities in section 3554 of title 44, United States Code, or any relevant successor of such responsibilities; and

''(III) security requirements, guidelines, and controls consistent with cybersecurity standards and best practices developed by the National Institute of Standards and Technology, including frameworks, consistent with section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)), or any relevant successor of such frameworks;

''(v) follow Federal data minimization practices to ensure only the minimum amount of data is collected to meet the system's goals, in accordance with Federal data minimization standards and guidelines developed by the National Institute of Standards and Technology; and

''(vi) provide notice to students outlining the data included in the system and how the data are used.

''(2) DATA ELEMENTS.—

''(A) IN GENERAL.—Not later than 4 years after the date of enactment of the College Transparency Act, the Commissioner, in consultation with the Postsecondary Student Data System Advisory Committee established under subparagraph (B), shall determine—

''(i) the data elements to be included in the postsecondary student data system, in accordance with subparagraphs (C) and (D); and

''(ii) how to include the data elements required under subparagraph (C), and any additional data elements selected under subparagraph (D), in the postsecondary student data system.

''(B) POSTSECONDARY STUDENT DATA SYSTEM ADVISORY COMMITTEE.—

''(i) ESTABLISHMENT.—Not later than 2 years after the date of enactment of the College Transparency Act, the Commissioner shall establish a Postsecondary Student Data System Advisory Committee (referred to in this subsection as the 'Advisory Committee'), whose members shall include—

''(I) the Chief Privacy Officer of the Department or an official of the Department delegated the duties of overseeing data privacy at the Department;

''(II) the Chief Security Officer of the Department or an official of the Department delegated the duties of overseeing data security at the Department;

''(III) representatives of diverse institutions of higher education, which shall include equal representation between 2-year and 4-year institutions of higher education, and from public, nonprofit, and proprietary institutions of higher education, including minority-serving institutions;

''(IV) representatives from State higher education agencies, entities, bodies, or boards;

''(V) representatives of postsecondary students;

''(VI) representatives from relevant Federal agencies; and

''(VII) other stakeholders (including individuals with expertise in data privacy and security, consumer protection, and postsecondary education research).

''(ii) REQUIREMENTS.—The Commissioner shall ensure that the Advisory Committee—

''(I) adheres to all requirements under the Federal Advisory Committee Act (5 U.S.C. App.);

''(II) establishes operating and meeting procedures and guidelines necessary to execute its advisory duties; and

''(III) is provided with appropriate staffing and resources to execute its advisory duties.

''(C) REQUIRED DATA ELEMENTS.—The data elements in the postsecondary student data system shall include, at a minimum, the following:

''(i) Student-level data elements necessary to calculate the information within the surveys designated by the Commissioner as 'student-related surveys' in the Integrated Postsecondary Education Data System (IPEDS), as such surveys are in effect on the day before the date of enactment of the College Transparency Act, except that in the case that collection of such elements would conflict with subparagraph (F), such elements in conflict with subparagraph (F) shall be included in the aggregate instead of at the student level.

''(ii) Student-level data elements necessary to allow for reporting student enrollment, persistence, retention, transfer, and completion measures for all credential levels separately (including certificate, associate, baccalaureate, and advanced degree levels), within and across institutions of higher education (including across all categories of institution level, control, and predominant degree awarded). The data elements shall allow for reporting about all such data disaggregated by the following categories:

''(I) Enrollment status as a first-time student, recent transfer student, or other non-first-time student.

''(II) Attendance intensity, whether full-time or part-time.

''(III) Credential-seeking status, by credential level.

''(IV) Race or ethnicity, in a manner that captures all the racial groups specified in the most recent American Community Survey of the Bureau of the Census.

''(V) Age intervals.

''(VI) Gender.

''(VII) Program of study (as applicable).

''(VIII) Military or veteran benefit status (as determined based on receipt of veteran's education benefits, as defined in section 480(c)).

''(IX) Status as a distance education student, whether exclusively or partially enrolled in distance education.

''(X) Federal Pell Grant recipient status under section 401 and Federal loan recipient status under title IV, provided that the collection of such information complies with paragraph (1)(B).

''(D) OTHER DATA ELEMENTS.—

''(i) IN GENERAL.—The Commissioner may, after consultation with the Advisory Committee and provision of a public comment period, include additional data elements in the postsecondary student data system, such as those described in clause (ii), if those data elements—

''(I) are necessary to ensure that the postsecondary data system fulfills the purposes described in paragraph (1)(A); and

''(II) are consistent with data minimization principles, including the collection of only those additional elements that are necessary to ensure such purposes.

''(ii) DATA ELEMENTS.—The data elements described in clause (i) may include—

''(I) status as a first generation college student, as defined in section 402A(h);

''(II) economic status;

''(III) participation in postsecondary remedial coursework or gateway course completion; or

''(IV) other data elements that are necessary in accordance with clause (i).

''(E) REEVALUATION.—Not less than once every 3 years after the implementation of the postsecondary student data system described in this subsection, the Commissioner, in consultation with the Advisory Committee described in subparagraph (B), shall review the data elements included in the postsecondary student data system and may revise the data elements to be included in such system.

''(F) PROHIBITIONS.—The Commissioner shall not include individual health data (including data relating to physical health or mental health), student discipline records or data, elementary and secondary education data, an exact address, citizenship status, migrant status, or national origin status for students or their families, course grades, postsecondary entrance examination results, political affiliation, or religion in the postsecondary student data system under this subsection.

''(3) PERIODIC MATCHING WITH OTHER FEDERAL DATA SYSTEMS.—

''(A) DATA SHARING AGREEMENTS.—

''(i) The Commissioner shall ensure secure, periodic data matches by entering into data sharing agreements with each of the following Federal agencies and offices:

''(I) The Secretary of the Treasury and the Commissioner of the Internal Revenue Service, in order to calculate aggregate program- and institution-level earnings of postsecondary students.

''(II) The Secretary of Defense, in order to assess the use of postsecondary educational benefits and the outcomes of servicemembers.

''(III) The Secretary of Veterans Affairs, in order to assess the use of postsecondary educational benefits and outcomes of veterans.

''(IV) The Director of the Bureau of the Census, in order to assess the earnings outcomes of former postsecondary education students.

''(V) The Chief Operating Officer of the Office of Federal Student Aid, in order to analyze the use of postsecondary educational benefits provided under this Act.

''(VI) The Commissioner of the Social Security Administration, in order to evaluate labor market outcomes of former postsecondary education students.

''(VII) The Commissioner of the Bureau of Labor Statistics, in order to assess the wages of former postsecondary education students.

''(ii) The heads of Federal agencies and offices described under clause (i) shall enter into data sharing agreements with the Commissioner to ensure secure, periodic data matches as described in this paragraph.

''(B) CATEGORIES OF DATA.—The Commissioner shall, at a minimum, seek to ensure that the secure periodic data system matches described in subparagraph (A) permit consistent reporting of the following categories of data for all postsecondary students:

''(i) Enrollment, retention, transfer, and completion outcomes for all postsecondary students.

''(ii) Financial indicators for postsecondary students receiving Federal grants and loans, including grant and loan aid by source, cumulative student debt, loan repayment status, and repayment plan.

''(iii) Post-completion outcomes for all postsecondary students, including earnings, employment, and further education, by program of study and credential level and as measured—

''(I) immediately after leaving postsecondary education; and

''(II) at time intervals appropriate to the credential sought and earned.

''(C) PERIODIC DATA MATCH STREAMLINING AND CONFIDENTIALITY.—

''(i) STREAMLINING.—In carrying out the secure periodic data system matches under this paragraph, the Commissioner shall—

''(I) ensure that such matches are not continuous, but occur only periodically at appropriate intervals, as determined by the Commissioner to meet the goals of subparagraph (A); and

''(II) seek to—

''(aa) streamline the data collection and reporting requirements for institutions of higher education;

''(bb) minimize duplicative reporting across or within Federal agencies or departments, including reporting requirements applicable to institutions of higher education under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and the Carl D. Perkins Career and Technical Education Act of 2006;

''(cc) protect student privacy; and

''(dd) streamline the application process for student loan benefit programs available to borrowers based on data available from different Federal data systems.

''(ii) REVIEW.—Not less often than once every 3 years after the establishment of the postsecondary student data system under this subsection, the Commissioner, in consultation with the Advisory Committee, shall review methods for streamlining data collection from institutions of higher education and minimizing duplicative reporting within the Department and across Federal agencies that provide data for the postsecondary student data system.

''(iii) CONFIDENTIALITY.—The Commissioner shall ensure that any periodic matching or sharing of data through periodic data system matches established in accordance with this paragraph—

''(I) complies with the security and privacy protections described in paragraph (1)(C)(iv) and other Federal data protection protocols;

''(II) follows industry best practices commensurate with the sensitivity of specific data elements or metrics;

''(III) does not result in the creation of a single standing, linked Federal database at the Department that maintains the information reported across other Federal agencies; and

''(IV) discloses to postsecondary students what data are included in the data system and periodically matched and how the data are used.

''(iv) CORRECTION.—The Commissioner, in consultation with the Advisory Committee, shall establish a process for students to request access to only their personal information for inspection and request corrections to inaccuracies in a manner that protects the student's personally identifiable information. The Commissioner shall respond in writing to every request for a correction from a student.

''(4) PUBLICLY AVAILABLE INFORMATION.—

''(A) IN GENERAL.—The Commissioner shall make the summary aggregate information

described in subparagraph (C), at a minimum, publicly available through a user-friendly consumer information website and analytic tool that—

''(i) provides appropriate mechanisms for users to customize and filter information by institutional and student characteristics;

''(ii) allows users to build summary aggregate reports of information, including reports that allow comparisons across multiple institutions and programs, subject to subparagraph (B);

''(iii) uses appropriate statistical disclosure limitation techniques necessary to ensure that the data released to the public cannot be used to identify specific individuals; and

''(iv) provides users with appropriate contextual factors to make comparisons, which may include national median figures of the summary aggregate information described in subparagraph (C).

''(B) NO PERSONALLY IDENTIFIABLE INFORMATION AVAILABLE.—The summary aggregate information described in this paragraph shall not include personally identifiable information.

''(C) SUMMARY AGGREGATE INFORMATION AVAILABLE.—The summary aggregate information described in this paragraph shall, at a minimum, include each of the following for each institution of higher education:

''(i) Measures of student access, including—

''(I) admissions selectivity and yield; and

''(II) enrollment, disaggregated by each category described in paragraph (2)(C)(ii).

''(ii) Measures of student progression, including retention rates and persistence rates, disaggregated by each category described in paragraph (2)(C)(ii).

''(iii) Measures of student completion, including—

''(I) transfer rates and completion rates, disaggregated by each category described in paragraph (2)(C)(ii); and

''(II) number of completions, disaggregated by each category described in paragraph (2)(C)(ii).

''(iv) Measures of student costs, including—

''(I) tuition, required fees, total cost of attendance, and net price after total grant aid, disaggregated by in-State tuition or in-district tuition status (if applicable), program of study (if applicable), and credential level; and

''(II) typical grant amounts and loan amounts received by students reported separately from Federal, State, local, and institutional sources, and cumulative debt, disaggregated by each category described in paragraph (2)(C)(ii) and completion status.

''(v) Measures of postcollegiate student outcomes, including employment rates, mean and median earnings, loan repayment and default rates, and further education rates. These measures shall—

''(I) be disaggregated by each category described in paragraph (2)(C)(ii) and completion status; and

''(II) be measured immediately after leaving postsecondary education and at time intervals appropriate to the credential sought or earned.

''(D) DEVELOPMENT CRITERIA.—In developing the method and format of making the information described in this paragraph publicly available, the Commissioner shall—

''(i) focus on the needs of the users of the information, which will include students, families of students, potential students, researchers, and other consumers of education data;

''(ii) take into consideration, to the extent practicable, the guidelines described in paragraph (1)(C)(ii)(I), and relevant successor documents or recommendations of such guidelines;

''(iii) use modern, relevant technology and enhance and update the postsecondary student data system with information, as necessary to carry out the purpose of this paragraph;

''(iv) ensure data privacy and security in accordance with standards and guidelines developed by the National Institute of Standards and Technology, and in accordance with any other Federal law relating to privacy or security, including complying with the requirements of subchapter II of chapter 35 of title 44, United States Code, specifying security categorization under the Federal Information Processing Standards, and security requirements, and setting of National Institute of Standards and Technology security baseline controls at the appropriate level; and

''(v) conduct consumer testing to determine how to make the information as meaningful to users as possible.

''(5) PERMISSIBLE DISCLOSURES OF DATA.—

''(A) DATA REPORTS AND QUERIES.—

''(i) IN GENERAL.—Not later than 4 years after the date of enactment of the College Transparency Act, the Commissioner shall develop and implement a secure process for making student-level, non-personally identifiable information, with direct identifiers removed, from the postsecondary student data system available for vetted research and evaluation purposes approved by the Commissioner in a manner compatible with practices for disclosing National Center for Education Statistics restricted-use survey data as in effect on the day before the date of enactment of the College Transparency Act, or by applying other research and disclosure restrictions to ensure data privacy and security. Such process shall be approved by the National Center for Education Statistics' Disclosure Review Board (or successor body).

''(ii) PROVIDING DATA REPORTS AND QUERIES TO INSTITUTIONS AND STATES.—

''(I) IN GENERAL.—The Commissioner shall provide feedback reports, at least annually, to each institution of higher education, each postsecondary education system that fully participates in the postsecondary student data system, and each State higher education body as designated by the governor.

''(II) FEEDBACK REPORTS.—The feedback reports provided under this clause shall include program-level and institution-level information from the postsecondary student data system regarding students who are associated with the institution or, for State representatives, the institutions within that State, on or before the date of the report, on measures including student mobility and workforce outcomes, provided that the feedback aggregate summary reports protect the privacy of individuals.

''(III) DETERMINATION OF CONTENT.—The content of the feedback reports shall be determined by the Commissioner in consultation with the Advisory Committee.

''(iii) PERMITTING STATE DATA QUERIES.—The Commissioner shall, in consultation with the Advisory Committee and as soon as practicable, create a process through which States may submit lists of secondary school graduates within the State to receive summary aggregate outcomes for those students who enrolled at an institution of higher education, including postsecondary enrollment and college completion, provided that those data protect the privacy of individuals and that the State data submitted to the Commissioner are not stored in the postsecondary education system.

''(iv) REGULATIONS.—The Commissioner shall promulgate regulations to ensure fair, secure, and equitable access to data reports and queries under this paragraph.

''(B) DISCLOSURE LIMITATIONS.—In carrying out the public reporting and disclosure requirements of this subsection, the Commissioner shall use appropriate statistical disclosure limitation techniques necessary to ensure that the data released to the public cannot include personally identifiable information or be used to identify specific individuals.

''(C) SALE OF DATA PROHIBITED.—Data collected under this subsection, including the public-use data set and data comprising the summary aggregate information available under paragraph (4), shall not be sold to any third party by the Commissioner, including any institution of higher education or any other entity.

''(D) LIMITATION ON USE BY OTHER FEDERAL AGENCIES.—

''(i) IN GENERAL.—The Commissioner shall not allow any other Federal agency to use data collected under this subsection for any purpose except—

''(I) for vetted research and evaluation conducted by the other Federal agency, as described in subparagraph (A)(i); or

''(II) for a purpose explicitly authorized by this Act.

''(ii) PROHIBITION ON LIMITATION OF SERVICES.—The Secretary, or the head of any other Federal agency, shall not use data collected under this subsection to limit services to students.

''(E) LAW ENFORCEMENT.—Personally identifiable information collected under this subsection shall not be used for any Federal, State, or local law enforcement activity or any other activity that would result in adverse action against any student or a student's family, including debt collection activity or enforcement of immigration laws.

''(F) LIMITATION OF USE FOR FEDERAL RANKINGS OR SUMMATIVE RATING SYSTEM.—The comprehensive data collection and analysis necessary for the postsecondary student data system under this subsection shall not be used by the Secretary or any Federal entity to establish any Federal ranking system of institutions of higher education or a system that results in a summative Federal rating of institutions of higher education.

''(G) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prevent the use of individual categories of aggregate information to be used for accountability purposes.

''(H) RULE OF CONSTRUCTION REGARDING COMMERCIAL USE OF DATA.—Nothing in this paragraph shall be construed to prohibit third-party entities from using publicly available information in this data system for commercial use.

''(6) SUBMISSION OF DATA.—

''(A) REQUIRED SUBMISSION.—Each institution of higher education participating in a program under title IV, or the assigned agent of such institution, shall, for each eligible program, in accordance with section 487(a)(17), collect, and submit to the Commissioner, the data requested by the Commissioner to carry out this subsection.

''(B) VOLUNTARY SUBMISSION.—Any institution of higher education not participating in a program under title IV may voluntarily participate in the postsecondary student data system under this subsection by collecting and submitting data to the Commissioner, as the Commissioner may request to carry out this subsection.

''(C) PERSONALLY IDENTIFIABLE INFORMATION.—In accordance with paragraph (2)(C)(i), if the submission of an element of student-level data is prohibited under paragraph (2)(F) (or otherwise prohibited by law), the institution of higher education shall submit that data to the Commissioner in the aggregate.

''(7) UNLAWFUL WILLFUL DISCLOSURE.—

''(A) IN GENERAL.—It shall be unlawful for any person who obtains or has access to personally identifiable information in connection with the postsecondary student data system described in this subsection to willfully disclose to any person (except as authorized in this Act or by any Federal law) such personally identifiable information.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be subject to a penalty described under section 3572(f) of title 44, United States Code, and section 183(d)(6) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9573(d)(6)).

''(C) EMPLOYEE OR OFFICER OF THE UNITED STATES.—If a violation of subparagraph (A) is committed by any officer or employee of the United States, the officer or employee shall be dismissed from office or discharged from employment upon conviction for the violation.

''(8) DATA SECURITY.—The Commissioner shall produce and update as needed guidance and regulations relating to privacy, security, and access which shall govern the use and disclosure of data collected in connection with the activities authorized in this subsection. The guidance and regulations developed and reviewed shall protect data from unauthorized access, use, and disclosure, and shall include—

''(A) an audit capability, including mandatory and regularly conducted audits;

''(B) access controls;

''(C) requirements to ensure sufficient data security, quality, validity, and reliability;

''(D) confidentiality protection in accordance with the applicable provisions of subchapter III of chapter 35 of title 44, United States Code;

''(E) appropriate and applicable privacy and security protection, including data retention and destruction protocols and data minimization, in accordance with the most recent Federal standards developed by the National Institute of Standards and Technology; and

''(F) protocols for managing a breach, including breach notifications, in accordance with the standards of National Center for Education Statistics.

''(9) DATA COLLECTION.—The Commissioner shall ensure that data collection, maintenance, and use under this subsection complies with section 552a of title 5, United States Code.

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

''(A) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102.

''(B) MINORITY-SERVING INSTITUTION.—The term 'minority-serving institution' means an institution of higher education listed in section 371(a).

''(C) PERSONALLY IDENTIFIABLE INFORMATION.—The term 'personally identifiable information' means personally identifiable information within the meaning of section 444 of the General Education Provisions Act.''.

(c) REPEAL OF PROHIBITION ON STUDENT DATA SYSTEM.—Section 134 of the Higher Education Act of 1965 (20 U.S.C. 1015c) is repealed.

(d) INSTITUTIONAL REQUIREMENTS.—

(1) IN GENERAL.—Paragraph (17) of section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended to read as follows:

''(17) The institution or the assigned agent of the institution will collect and submit data to the Commissioner for Education Statistics in accordance with section 132(l), the nonstudent related surveys within the Integrated Postsecondary Education Data System (IPEDS), or any other Federal institution of higher education data collection effort (as designated by the Secretary), in a timely manner and to the satisfaction of the Secretary.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 4 years after the date of enactment of this Act.

(e) TRANSITION PROVISIONS.—The Secretary of Education and the Commissioner for Education Statistics shall take such steps as are necessary to ensure that the development and maintenance of the postsecondary student data system required under section 132(l) of the Higher Education Act of 1965, as added by subsection (b) of this section, occurs in a manner that reduces the reporting burden for entities that reported into the Integrated Postsecondary Education Data System (IPEDS).

SA 6165. Mr. PADILLA (for himself, Mr. PAUL, Mr. BLUNT, Mr. CRAMER, Mr. KING, Mr. DURBIN, Ms. KLOBUCHAR, Mr. ROUNDS, 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. _____. IMMIGRATION AGE-OUT PROTECTIONS.

(a) AGE-OUT PROTECTIONS FOR IMMIGRANTS.—

(1) IN GENERAL.—Section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b)) is amended by adding at the end the following:

''(6) A determination of whether an alien is a child shall be made as follows:

''(A) For purposes of a petition under section 204 and a subsequent application for an immigrant visa or adjustment of status, such determination shall be made using the age of the alien on the date that is the priority date for the principal beneficiary and all derivative beneficiaries under section 203(h).

''(B) For purposes of a petition under section 214(d) and a subsequent application for adjustment of status under section 245(d), such determination shall be made using the age of the alien on the date on which the petition is filed with the Secretary of Homeland Security.

''(C) In the case of a petition under section 204 filed for an alien's classification as a married son or daughter of a United States citizen under section 203(a)(3), if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative under section 201(b)(2)(A)(i) or as an unmarried son or daughter of a United States citizen under section 203(a)(1), the determination of the alien's age shall be made using the age of the alien on the date of the termination of the marriage.

''(D) For an alien who was in status as a dependent child of a nonimmigrant pursuant to an approved employment-based petition under section 214 or an approved application under section 101(a)(15)(E) for an aggregate period of eight years prior to the age of 21, notwithstanding subparagraphs (A) through (C), the alien's age shall be based on the date that such initial nonimmigrant employment-based petition or application was filed.

''(E) For an alien who has not sought to acquire status of an alien lawfully admitted for permanent residence within two years of an immigrant visa number becoming available to such alien, the alien's age shall be their biological age unless the failure to seek to acquire status was due to extraordinary circumstances.

''(7) An alien who has reached 21 years of age and has been admitted under section 203(d) as a lawful permanent resident on a conditional basis as the child of an alien lawfully admitted for permanent residence under section 203(b)(5), whose lawful permanent resident status on a conditional basis is terminated under section 216A or section 203(b)(5)(M), shall continue to be considered a child of the principal alien for the purpose of a subsequent immigrant petition by such alien under section 203(b)(5) if the alien remains unmarried and the subsequent petition is filed by the principal alien not later than 1 year after the termination of conditional lawful permanent resident status. No alien shall be considered a child under this paragraph with respect to more than 1 petition filed after the alien reaches 21 years of age.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by striking subsection (f).

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this section shall be effective as if included in the Child Status Protection Act (Public Law 107–208).

(B) MOTION TO REOPEN OR RECONSIDER.—

(i) IN GENERAL.—A motion to reopen or reconsider the denial of a petition or application described in paragraph (6) of section 101(b), as amended in paragraph (1), may be granted if—

(I) such petition or application would have been approved if the amendments described in such paragraph had been in effect at the time of adjudication of the petition or application;

(II) the individual seeking relief pursuant to such motion was in the United States at the time the underlying petition or application was filed; and

(III) such motion is filed with the Secretary of Homeland Security or the Attorney General not later than the date that is 2 years after the date of the enactment of this Act.

(ii) NUMERICAL LIMITATIONS.—Notwithstanding any other provision of law, an individual granted relief pursuant to such motion to reopen or reconsider shall be exempt from numerical limitations in sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(b) AGE OUT PROTECTIONS FOR NONIMMIGRANT DEPENDENT CHILDREN.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s)(1) Except as described in paragraph (2), the determination of whether an alien who is the derivative beneficiary of a properly filed pending or approved immigrant petition under section 204 is eligible to be a dependent child of a nonimmigrant admitted pursuant to an approved employer petition under this section or approved application under section 101(a)(15)(E), shall be based on whether the alien is determined to be a child under section 101(b)(6) of the Immigration and Nationality Act.

''(2) If otherwise eligible, an alien who is determined to be a child pursuant to section 101(b)(6)(D) may change status to or extend status as a dependent child of a nonimmigrant with an approved employment based petition under this section or an approved application under section

101(a)(15)(E), notwithstanding such alien's marital status.

''(3) An alien who is admitted to the United States as a dependent child of a nonimmigrant who is described in this section is authorized to engage in employment in the United States incident to status.''.

(c) PRIORITY DATE RETENTION.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended to read as follows:

''(h) RETENTION OF PRIORITY DATES.—

''(1) PRIORITY DATE.—The priority date for an alien shall be the date that is the earliest of—

''(A) the date that a petition under section 204 is filed with the Secretary of Homeland Security (or the Secretary of State, if applicable); or

''(B) the date on which a labor certification is filed with the Secretary of Labor.

''(2) RETENTION.—The principal beneficiary and all derivative beneficiaries shall retain the priority date associated with the earliest of any approved petition or labor certification and such priority date shall be applicable to any subsequently approved petition.''.

SEC. _____. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking ''$7,500,000,000'' and inserting ''$7,279,000,000''.

SA 6166. Mr. INHOFE (for 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 D of title XII, add the following:

SEC. 1254. NORTH KOREAN HUMAN RIGHTS.

(a) SHORT TITLE.—This section may be cited as the ''North Korean Human Rights Reauthorization Act of 2022''.

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

(1) The North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.) and subsequent reauthorizations of such Act were the product of broad, bipartisan consensus regarding the promotion of human rights, documentation of human rights violations, transparency in the delivery of humanitarian assistance, and the importance of refugee protection.

(2) The human rights and humanitarian conditions within North Korea remain deplorable and have been intentionally perpetuated against the people of North Korea through policies endorsed and implemented by Kim Jong-un and the Workers' Party of Korea.

(3) According to a 2014 report released by the United Nations Human Rights Council's Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, between 80,000 and 120,000 children, women, and men were being held in political prison camps in North Korea, where they were subjected to deliberate starvation, forced labor, executions, torture, rape, forced abortion, and infanticide.

(4) North Korea continues to hold a number of South Koreans and Japanese abducted after the signing of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the ''Korean War Armistice Agreement'') and refuses to acknowledge the abduction of more than 100,000 South Koreans during the Korean War in violation of the Geneva Convention.

(5) Human rights violations in North Korea, which include forced starvation, sexual violence against women and children, restrictions on freedom of movement, arbitrary detention, torture, executions, and enforced disappearances, amount to crimes against humanity according to the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea.

(6) The effects of the COVID–19 pandemic and North Korea's strict lockdown of its borders and crackdowns on informal market activities and small entrepreneurship have drastically increased food insecurity for its people and given rise to famine conditions in parts of the country.

(7) North Korea's COVID–19 border lockdown measures also include shoot-to-kill orders that have resulted in the killing of—

(A) North Koreans attempting to cross the border; and

(B) at least 1 South Korean citizen in September 2020.

(8) The Chinese Communist Party and the Government of the People's Republic of China are aiding and abetting in crimes against humanity by forcibly repatriating North Korean refugees to North Korea where they are sent to prison camps, harshly interrogated, and tortured or executed.

(9) The forcible repatriation of North Korean refugees violates the People's Republic of China's freely undertaken obligation to uphold the principle of non-refoulement, under the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (and made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(10) North Korea continues to bar freedom of religion and persecute religious minorities, especially Christians. Eyewitnesses report that Christians in North Korea have been tortured, forcibly detained, and even executed for possessing a Bible or professing Christianity.

(11) United States and international broadcasting operations into North Korea—

(A) serve as a critical source of outside news and information for the North Korean people; and

(B) provide a valuable service for countering regime propaganda and false narratives.

(12) The position of Special Envoy on North Korean Human Rights Issues has been vacant since January 2017, even though the President is required to appoint a Senate-confirmed Special Envoy to fill this position in accordance with section 107 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817).

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

(1) promoting information access in North Korea continues to be a successful method of countering North Korean propaganda;

(2) the United States Government should continue to support efforts described in paragraph (1), including by enacting and implementing the Otto Warmbier North Korean Censorship and Surveillance Act of 2021, which was introduced by Senator Portman on June 17, 2021;

(3) because refugees among North Koreans fleeing into China face severe punishments upon their forcible return, the United States should urge the Government of the People's Republic of China—

(A) to immediately halt its forcible repatriation of North Koreans;

(B) to allow the United Nations High Commissioner for Refugees (referred to in this section as ''UNHCR'') unimpeded access to North Koreans within China to determine whether they are refugees and require assistance;

(C) to fulfill its obligations under the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (and made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223) and the Agreement on the upgrading of the UNHCR Mission in the People's Republic of China to UNHCR branch office in the People's Republic of China, done at Geneva December 1, 1995;

(D) to address the concerns of the United Nations Committee Against Torture by incorporating into domestic legislation the principle of non-refoulement; and

(E) to recognize the legal status of North Korean women who marry or have children with Chinese citizens and ensure that all such mothers and children are granted resident status and access to education and other public services in accordance with Chinese law and international standards;

(4) the United States Government should continue to promote the effective and transparent delivery and distribution of any humanitarian aid provided in North Korea to ensure that such aid reaches its intended recipients to the point of consumption or utilization by cooperating closely with the Government of the Republic of Korea and international and nongovernmental organizations;

(5) the Department of State should continue to take steps to increase public awareness about the risks and dangers of travel by United States citizens to North Korea, including by continuing its policy of blocking United States passports from being used to travel to North Korea without a special validation from the Department of State;

(6) the United Nations, which has a significant role to play in promoting and improving human rights in North Korea, should press for access for the United Nations Special Rapporteur and the United Nations High Commissioner for Human Rights on the situation of human rights in North Korea;

(7) the Special Envoy for North Korean Human Rights Issues should be appointed without delay—

(A) to properly promote and coordinate North Korean human rights and humanitarian issues; and

(B) to participate in policy planning and implementation with respect to refugee issues;

(8) the United States should urge North Korea to repeal the Reactionary Thought and Culture Denunciation Law and other draconian laws, regulations, and decrees that manifestly violate the freedom of opinion and expression and the freedom of thought, conscience, and religion;

(9) the United States should urge North Korea to ensure that any restrictions on addressing the COVID–19 pandemic are necessary, proportionate, nondiscriminatory, time-bound, transparent, and allow international staff to operate inside the North Korea to provide international assistance based on independent needs assessments;

(10) the United States should expand the Rewards for Justice program to be open to North Korean officials who can provide evidence of crimes against humanity being committed by North Korean officials;

(11) the United States should continue to seek cooperation from all foreign governments—

(A) to allow the UNHCR access to process North Korean refugees overseas for resettlement; and

(B) to allow United States officials access to process refugees for possible resettlement in the United States; and

(12) the Secretary of State, through diplomacy by senior officials, including United States ambassadors to Asia-Pacific countries, and in close cooperation with South Korea, should make every effort to promote the protection of North Korean refugees, escapees, and defectors.

(d) REAUTHORIZATIONS.—

(1) SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.—Section 102(b)(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is amended by striking ''2022'' and inserting ''2027''.

(2) ACTIONS TO PROMOTE FREEDOM OF INFORMATION.—Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended—

(A) in subsection (b)(1), by striking ''2022'' and inserting ''2027''; and

(B) in subsection (c), by striking ''2022'' and inserting ''2027''.

(3) REPORT BY SPECIAL ENVOY ON NORTH KOREAN HUMAN RIGHTS ISSUES.—Section 107(d) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817(d)) is amended by striking ''2022'' and inserting ''2027''.

(4) REPORT ON UNITED STATES HUMANITARIAN ASSISTANCE.—Section 201(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7831(a)) is amended, in the matter preceding paragraph (1), by striking ''2022'' and inserting ''2027''.

(5) ASSISTANCE PROVIDED OUTSIDE OF NORTH KOREA.—Section 203(c)(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7833(c)(1)) is amended by striking ''2018 through 2022'' and inserting ''2023 through 2027''.

(6) ANNUAL REPORTS.—Section 305(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7845(a)) is amended, in the matter preceding paragraph (1) by striking ''2022'' and inserting ''2027''.

(e) ACTIONS TO PROMOTE FREEDOM OF INFORMATION.—Title I of the North Korean Human Rights Act of 2004 (22 U.S.C. 7811 et seq.) is amended—

(1) in section 103(a), by striking ''Broadcasting Board of Governors'' and inserting ''United States Agency for Global Media''; and

(2) in section 104(a)—

(A) by striking ''Broadcasting Board of Governors'' each place such term appears and inserting ''United States Agency for Global Media'';

(B) in paragraph (7)(B)—

(i) in the matter preceding clause (i), by striking ''5 years'' and inserting ''10 years'';

(ii) by redesignating clauses (i) through (iii) as clauses (ii) through (iv), respectively;

(iii) by inserting before clause (ii) the following:

''(i) an update of the plan required under subparagraph (A);''; and

(iv) in clause (iii), as redesignated, by striking ''pursuant to section 403'' and inserting ''to carry out this section''.

(f) SPECIAL ENVOY FOR NORTH KOREAN HUMAN RIGHTS ISSUES.— Section 107 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817) is amended by adding at the end the following:

''(e) REPORT ON APPOINTMENT OF SPECIAL ENVOY.—Not later than 180 days after the date of the enactment of this subsection and annually thereafter through 2027 if the position of Special Envoy remains vacant, the Secretary of State shall submit a report to the appropriate congressional committees that describes the efforts being taken to appoint the Special Envoy.''.

(g) SUPPORT FOR NORTH KOREAN REFUGEES.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Homeland Security should collaborate with faith-based and Korean-American organizations to resettle North Korean participants in the United States Refugee Admissions Program in areas with existing Korean-American communities to mitigate trauma and mental health considerations of refugees, as appropriate.

(2) RESETTLEMENT OFFICE FOR NORTH KOREAN REFUGEES.—The Secretary of State shall ensure that a program officer in the Bureau of Population, Refugees, and Migration of the Department of State—

(A) is stationed in a country in Southeast Asia or East Asia; and

(B) is principally responsible for facilitating the processing and onward relocation of North Koreans eligible for the United States Refugee Admissions Program or resettlement in South Korea.

(3) RESETTLEMENT LOCATION ASSISTANCE EDUCATION.—The Secretary of State shall publicly disseminate guidelines and information relating to resettlement options in the United States or South Korea for eligible North Korean refugees, with a particular focus on messaging to North Koreans.

(4) MECHANISMS.—The guidelines and information described in paragraph (3)—

(A) shall be published on a publicly available website of the Department of State;

(B) shall be broadcast into North Korea through radio broadcasting operations funded or supported by the United States Government; and

(C) shall be distributed through brochures or electronic storage devices.

(h) AUTHORIZATION OF SANCTIONS FOR FORCED REPATRIATION OF NORTH KOREAN REFUGEES.—

(1) DISCRETIONARY DESIGNATIONS.—Section 104(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214) is amended—

(A) in subparagraph (M), by striking ''or'' after the semicolon;

(B) in subparagraph (N), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(O) knowingly, directly or indirectly, forced the repatriation of North Korean refugees to North Korea.''.

(2) EXEMPTIONS.—Section 208(a)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9228(a)(1)) is amended by inserting '', the Republic of Korea, and Japan'' before the period at the end.

(i) REPORT ON HUMANITARIAN EXEMPTIONS TO SANCTIONS IMPOSED WITH RESPECT TO NORTH KOREA.—

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

(A) the continued pursuit by the North Korean regime of weapons of mass destruction (including nuclear, chemical, and biological weapons), in addition to its ballistic missile program, along with the regime's gross violations of human rights, have led the international community to impose sanctions with respect to North Korea, including sanctions imposed by the United Nations Security Council;

(B) authorities should grant exemptions for humanitarian assistance to the people of North Korea consistent with past United Nations Security Council resolutions; and

(C) humanitarian assistance intended to provide humanitarian relief to the people of North Korea must not be exploited or misdirected by the North Korean regime to benefit the military or elites of North Korea.

(2) REPORTS REQUIRED.—

(A) DEFINED TERM.—In this paragraph, the term ''covered period'' means—

(i) in the case of the first report required to be submitted under subparagraph (B), the period beginning on January 1, 2018, and ending on the date that is 90 days after the date of the enactment of this Act; and

(ii) in the case of each subsequent report required to be submitted under paragraph (2), the 1-year period preceding the date by which the report is required to be submitted.

(B) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 2 years, the Secretary of State shall submit a report to Congress that—

(i) describes—

(I) how the North Korean regime has previously exploited humanitarian assistance from the international community to benefit elites and the military in North Korea;

(II) the most effective methods to provide humanitarian relief, including mechanisms to facilitate humanitarian assistance, to the people of North Korea, who are in dire need of such assistance;

(III) any requests to the Committee of the United Nations Security Council established by United Nations Security Council Resolution 1718 (2006) (referred to in this subsection as the ''1718 Sanctions Committee'') for humanitarian exemptions from sanctions known to have been denied during the covered period or known to have been in process for more than 30 days as of the date of the report; and

(IV) any known explanations for the denials and delays referred to in clause (iii); and

(ii) details any action by a foreign government during the covered period that has delayed or impeded humanitarian assistance that was approved by the 1718 Sanctions Committee.

SA 6167. Mr. INHOFE (for Mr. RUBIO (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—Taiwan Relations Reinforcement Act of 2022

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Taiwan Relations Reinforcement Act of 2022''.

SEC. 1282. FINDINGS.

Congress makes the following findings:

(1) The Taiwan Relations Act of 1979 (Public Law 96–8) and the Six Assurances, first articulated by President Ronald Reagan in 1982, are both cornerstones of United States relations with Taiwan, formally known as the Republic of China (ROC).

(2) The People's Republic of China (PRC) and Taiwan have been ruled without interruption by separate governments since 1949, and Taiwan has not been subjected to rule by the PRC at any point since the PRC was first established in 1949.

(3) The so-called ''One China Policy'' of the United States Government is not the same as the ''One China principle'' espoused by the People's Republic of China.

(4) Threats and actions by the Government of the People's Republic of China to unilaterally determine Taiwan's future through nonpeaceful means, including the direct use of

force, military coercion, economic boycotts or embargoes, and efforts to internationally isolate or annex Taiwan, would undermine stability in the Taiwan Strait and are of grave concern to the United States Government.

(5) The Chinese Communist Party's (CCP) global influence operations and efforts to exert sharp power have sought to diplomatically undermine the legitimacy of the democratically elected Government of Taiwan, intimidate the people of Taiwan, and force Taiwan's diplomatic partners to abandon it.

(6) The force modernization program and military buildup of the CCP-controlled People's Liberation Army poses a serious challenge to the balance of power in the Indo-Pacific region, including the Taiwan Strait, and to United States national security interests as a Pacific power.

(7) Cultural and educational exchanges between the United States and Taiwan are a key component of building and strengthening bilateral people-to-people ties and provide important, high-quality learning opportunities for students interested in politics, history, language, and culture.

(8) Taiwan is an important trading partner for the United States, representing the 10th largest market for United States exports in 2019.

(9) April 10, 2020, marked the 41st anniversary of the Taiwan Relations Act of 1979 (Public Law 96–8).

SEC. 1283. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should strengthen cooperation with the military of Taiwan under the framework of the Taiwan Relations Act (Public Law 96–8) and the Six Assurances with consideration of the ongoing military buildup in China and the imbalance in the security environment in the Taiwan Strait;

(2) the United States Government should urge Taiwan to increase its own investments in military capabilities that support implementation of its asymmetric defense strategy;

(3) the United States Government should promote dignity and respect for its Taiwanese counterparts, who represent more than 23,000,000 citizens, by using the full range of diplomatic and financial tools available to promote Taiwan's inclusion and meaningful participation in international organizations as well as in bilateral and multilateral security summits, military exercises, and economic dialogues and forums; and

(4) in order to deepen economic ties and advance the interests of the United States, the United States Government should prioritize the negotiation of a free trade agreement with Taiwan that provides high levels of labor rights and environmental protection as soon as possible.

SEC. 1284. A TWENTY-FIRST CENTURY PARTNERSHIP WITH TAIWAN.

(a) STATEMENT OF POLICY.—It is the policy of the United States to create and execute a plan for enhancing its relationship with Taiwan by forming a robust partnership that meets the challenges of the 21st century, fully accounts for Taiwan's democratization, and remains faithful to United States principles and values in keeping with the Taiwan Relations Act and the Six Assurances.

(b) INTERAGENCY TAIWAN POLICY TASK FORCE.—Not later than 90 days after the date of the enactment of this Act, the President shall create an interagency Taiwan policy task force consisting of senior officials from the Office of the President, the National Security Council, the Department of State, the Department of Defense, the Department of the Treasury, the Department of Commerce, and the Office of the United States Trade Representative.

(c) REPORT.—The interagency Taiwan Policy Task Force established under subsection (b) shall submit an annual unclassified report with a classified annex to the appropriate congressional committees outlining policy and actions to be taken to create and execute a plan for enhancing our partnership and relations with Taiwan.

SEC. 1285. AMERICAN INSTITUTE IN TAIWAN.

The position of Director of the American Institute in Taiwan's Taipei office shall be subject to the advice and consent of the Senate, and effective upon enactment of this Act shall have the title of Representative.

SEC. 1286. SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE PROGRAMS WITH TAIWAN.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support United States educational and exchange programs with Taiwan, including by authorizing such sum as may be necessary to promote the study of Chinese language, culture, history, and politics in Taiwan.

(b) ESTABLISHMENT OF THE UNITED STATES-TAIWAN CULTURAL EXCHANGE FOUNDATION.—The Secretary of State shall establish a new United States-Taiwan Cultural Exchange Foundation, an independent nonprofit dedicated to deepening ties between the future leaders of Taiwan and the United States. The Foundation shall work with State and local school districts and educational institutions to send high school and university students to Taiwan to study the Chinese language, culture, history, politics, and other relevant subjects.

(c) PARTNERING WITH TECRO.—State and local school districts and educational institutions such as public universities shall partner with the Taipei Economic and Cultural Representative Office (TECRO) in the United States to establish programs to promote an increase in educational and cultural exchanges.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on cooperation between the United States Government and the Taiwanese government to create an alternative to Confucius Institutes in an effort to promote freedom, democracy, universal values, culture, and history in conjunction with Chinese language education.

SEC. 1287. PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote Taiwan's inclusion and meaningful participation in meetings held by international organizations.

(b) SUPPORT FOR MEANINGFUL PARTICIPATION.—The Permanent Representative of the United States to the United Nations and other relevant United States officials should actively support Taiwan's membership and meaningful participation in international organizations.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on China's efforts at the United Nations and other international bodies to block Taiwan's meaningful participation and inclusion and recommend appropriate responses to be taken by the United States.

SEC. 1288. INVITATION OF TAIWANESE COUNTERPARTS TO HIGH-LEVEL BILATERAL AND MULTILATERAL FORUMS AND EXERCISES.

(a) STATEMENT OF POLICY.—It is the policy of the United States to invite Taiwanese counterparts to participate in high-level bilateral and multilateral summits, military exercises, and economic dialogues and forums.

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

(1) the United States Government should invite Taiwan to regional dialogues on issues of mutual concern;

(2) the United States Government and Taiwanese counterparts should resume meetings under the United States-Taiwan Trade and Investment Framework Agreement and reach a bilateral free trade agreement;

(3) the United States Government should invite Taiwan to participate in bilateral and multilateral military training exercises; and

(4) the United States Government and Taiwanese counterparts should engage in a regular and routine strategic bilateral dialogue on arms sales in accordance with Foreign Military Sales mechanisms, and the United States Government should support export licenses for direct commercial sales supporting Taiwan's indigenous defensive capabilities.

SEC. 1289. REPORT ON TAIWAN TRAVEL ACT.

(a) LIST OF HIGH-LEVEL VISITS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall, in accordance with the Taiwan Travel Act (Public Law 115–135), submit to the appropriate congressional committees a list of high-level officials from the United States Government that have traveled to Taiwan and a list of high-level officials of Taiwan that have entered the United States.

(b) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on implementation of the Taiwan Travel Act.

SEC. 1290. PROHIBITIONS AGAINST UNDERMINING UNITED STATES POLICY REGARDING TAIWAN.

(a) FINDING.—Congress finds that the efforts by the Government of the People's Republic of China (PRC) and the Chinese Communist Party to compel private United States businesses, corporations, and nongovernmental entities to use PRC-mandated language to describe the relationship between Taiwan and China are an intolerable attempt to enforce political censorship globally and should be considered an attack on the fundamental underpinnings of all democratic and free societies, including the constitutionally protected right to freedom of speech.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government, in coordination with United States businesses and nongovernmental entities, should formulate a code of conduct for interacting with the Government of the People's Republic of China and the Chinese Communist Party and affiliated entities, the aim of which is—

(1) to counter PRC sharp power operations, which threaten free speech, academic freedom, and the normal operations of United States businesses and nongovernmental entities; and

(2) to counter PRC efforts to censor the way the world refers to issues deemed sensitive to the Government of the People's Republic of China and Chinese Communist Party leaders, including issues related to Taiwan, Tibet, the Tiananmen Square Massacre, and the mass internment of Uyghurs and other Turkic Muslims, among many other issues.

(c) PROHIBITION ON RECOGNITION OF PRC CLAIMS TO SOVEREIGNTY OVER TAIWAN.—

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

(A) issues related to the sovereignty of Taiwan are for the people of Taiwan to decide through the democratic process they have established;

(B) the dispute between the People's Republic of China and Taiwan must be resolved peacefully and with the assent of the people of Taiwan;

(C) the primary obstacle to peaceful resolution is the authoritarian nature of the PRC political system under one-party rule of the Chinese Communist Party, which is fundamentally incompatible with Taiwan's democracy; and

(D) any attempt to coerce the people of Taiwan to accept a political arrangement that would subject them to direct or indirect rule by the PRC, including a ''one country, two systems'' framework, would constitute a grave challenge to United States security interests in the region.

(2) STATEMENT OF POLICY.—It is the policy of the United States to oppose any attempt by the PRC authorities to unilaterally impose a timetable or deadline for unification on Taiwan.

(3) PROHIBITION ON RECOGNITION OF PRC CLAIMS WITHOUT ASSENT OF PEOPLE OF TAIWAN.— No department or agency of the United States Government may formally or informally recognize PRC claims to sovereignty over Taiwan without the assent of the people of Taiwan, as expressed directly through the democratic process.

(4) TREATMENT OF TAIWAN GOVERNMENT.—

(A) IN GENERAL.—The Department of State and other United States Government agencies shall treat the democratically elected government of Taiwan as the legitimate representative of the people of Taiwan and end the outdated practice of referring to the government in Taiwan as the ''authorities''. Notwithstanding the continued supporting role of the American Institute in Taiwan in carrying out United States foreign policy and protecting United States interests in Taiwan, the United States Government shall not place any restrictions on the ability of officials of the Department of State and other United States Government agencies from interacting directly and routinely with counterparts in the Taiwan government.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as entailing restoration of diplomatic relations with the Republic of China, which were terminated on January 1, 1979, or altering the United States Government's position on Taiwan's international status.

(d) STRATEGY TO PROTECT UNITED STATES BUSINESSES AND NONGOVERNMENTAL ENTITIES FROM COERCION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce, the Secretary of the Treasury, and the heads of other relevant Federal agencies, shall submit an unclassified report, with a classified annex if necessary, to protect United States businesses and nongovernmental entities from sharp power operations, including coercion and threats that lead to censorship or self-censorship, or which compel compliance with political or foreign policy positions of the Government of the People's Republic of China and the Chinese Communist Party. The strategy shall include the following elements:

(1) Information on efforts by the Government of the People's Republic of China to censor the websites of United States airlines, hotels, and other businesses regarding the relationship between Taiwan and the People's Republic of China.

(2) Information on efforts by the Government of the People's Republic of China to target United States nongovernmental entities through sharp power operations intended to weaken support for Taiwan.

(3) Information on United States Government efforts to counter the threats posed by Chinese state-sponsored propaganda and disinformation, including information on best practices, current successes, and existing barriers to responding to this threat.

(4) Details of any actions undertaken to create a code of conduct pursuant to subsection (b) and a timetable for implementation.

SEC. 1291. STRATEGY TO RESPOND TO SHARP POWER OPERATIONS TARGETING TAIWAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall develop and implement a strategy to respond to sharp power operations and the united front campaign supported by the Government of the People's Republic of China and the Chinese Communist Party that are directed toward persons or entities in Taiwan.

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

(1) Development of a response to PRC propaganda and disinformation campaigns and cyber-intrusions targeting Taiwan, including—

(A) assistance in building the capacity of the Taiwan government and private-sector entities to document and expose propaganda and disinformation supported by the Government of the People's Republic of China, the Chinese Communist Party, or affiliated entities;

(B) assistance to enhance the Taiwan government's ability to develop a whole-of-government strategy to respond to sharp power operations, including election interference; and

(C) media training for Taiwan officials and other Taiwan entities targeted by disinformation campaigns.

(2) Development of a response to political influence operations that includes an assessment of the extent of influence exerted by the Government of the People's Republic of China and the Chinese Communist Party in Taiwan on local political parties, financial institutions, media organizations, and other entities.

(3) Support for exchanges and other technical assistance to strengthen the Taiwan legal system's ability to respond to sharp power operations.

(4) Establishment of a coordinated partnership, through the Global Cooperation and Training Framework, with like-minded governments to share data and best practices with the Government of Taiwan on ways to address sharp power operations supported by the Government of the People's Republic of China and the Chinese Communist Party.

SEC. 1292. REPORT ON DETERRENCE IN THE TAIWAN STRAIT.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees a joint report that assesses the military posture of Taiwan and the United States as it specifically pertains to the deterrence of military conflict and conflict readiness in the Taiwan Strait. In light of the changing military balance in the Taiwan Strait, the report should include analysis of whether current Taiwan and United States policies sufficiently deter efforts to determine the future of Taiwan by other than peaceful means.

SEC. 1293. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) SHARP POWER.—The term ''sharp power'' means the coordinated and often concealed application of disinformation, media manipulation, economic coercion, cyber-intrusions, targeted investments, and academic censorship that is intended—

(A) to corrupt political and nongovernmental institutions and interfere in democratic elections and encourage self-censorship of views at odds with those of the Government of the People's Republic of China or the Chinese Communist Party; or

(B) to foster attitudes, behavior, decisions, or outcomes in Taiwan and elsewhere that support the interests of the Government of the People's Republic of China or the Chinese Communist Party.

SA 6168. Mr. INHOFE (for Mr. RUBIO (for himself and Mr. SCOTT of Florida)) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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 XXXI, add the following:

SEC. 31____. MORATORIUM ON ENERGY DEVELOPMENT IN CERTAIN AREAS OF GULF OF MEXICO.

(a) DEFINITIONS.—In this section:

(1) MILITARY MISSION LINE.—The term ''Military Mission Line'' has the meaning given the term in section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

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

(b) MORATORIUM.—Effective during the period beginning on the date of enactment of this Act and ending on June 30, 2032, the Secretary shall not offer for leasing, preleasing, or any related activity for energy development of any kind—

(1) any area east of the Military Mission Line in the Gulf of Mexico; or

(2) any area of the outer Continental Shelf described in subparagraph (A), (B), or (C) of paragraph (2) of subsection (d), if oil, gas, wind, or any other form of energy exploration, leasing, or development in that area has been identified in a report under that subsection as having any adverse effect on the national security of the United States or the military readiness or testing capabilities of the Department of Defense.

(c) ENVIRONMENTAL EXCEPTIONS.—Notwithstanding subsection (b), the Secretary may issue leases in areas described in that subsection for environmental conservation purposes, including the purposes of shore protection, beach nourishment and restoration, wetlands restoration, and habitat protection.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and not later than June 30, 2031, the Secretary of Defense shall submit to the Committees on Appropriations and Armed Services of the Senate and the Committees on Appropriations and Armed Services of the House of Representatives a report that describes the impact of oil, gas, wind, and any other form of energy exploration, leasing, or development in areas of the outer Continental Shelf described in paragraph (2) on the national security of the United States and the military readiness and testing capabilities of the Department of Defense.

(2) AREAS DESCRIBED.—The areas of the outer Continental Shelf referred to in paragraph (1) are the following:

(A) Any area west of the Military Mission Line in the Gulf of Mexico.

(B) The South Atlantic Planning Area.

(C) The Straits of Florida Planning Area.

SA 6169. Mr. INHOFE (for Mr. RUBIO (for himself, Mr. WARNER, Mrs. MURRAY, Ms. HASSAN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, 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. 1077. AIR AMERICA.

(a) FINDINGS.—Congress finds the following:

(1) Air America, Incorporated (referred to in this section as ''Air America'') and its related cover corporate entities were wholly owned and controlled by the United States Government and directed and managed by the Department of Defense, the Department of State, and the Central Intelligence Agency from 1950 to 1976.

(2) Air America, a corporation owned by the Government of the United States, constituted a ''Government corporation'', as defined in section 103 of title 5, United States Code.

(3) The service and sacrifice of the employees of Air America included—

(A) suffering a high rate of casualties in the course of employment;

(B) saving thousands of lives in search and rescue missions for downed United States airmen and allied refugee evacuations; and

(C) lengthy periods of service in challenging circumstances abroad.

(b) DEFINITIONS.—In this section—

(1) the term ''affiliated company'', with respect to Air America, includes Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport;

(2) the term ''qualifying service'' means service that—

(A) was performed by a United States citizen as an employee of Air America or an affiliated company during the period beginning on January 1, 1950, and ending on December 31, 1976; and

(B) is documented in the attorney-certified corporate records of Air America or any affiliated company;

(3) the term ''survivor'', with respect to an individual who performed qualifying service, means—

(A) a widow or widower of the individual who performed qualifying service; or

(B) an individual who, at any time during or since the period of qualifying service, was a dependent or child of the individual who performed qualifying service; and

(4) the terms ''widow'', ''widower'', ''dependent'', and ''child'' have the meanings given those terms in section 8341(a) of title 5, United States Code, except that that section shall be applied by substituting ''individual who performed qualifying service'' for ''employee or Member''.

(c) CREDITABLE SERVICE.—Any period of qualifying service shall be treated as creditable service for purposes of subchapter III of chapter 83 of title 5, United States Code.

(d) RIGHTS.—

(1) IN GENERAL.—An individual who performed qualifying service or a survivor of such an individual—

(A) shall be entitled to the rights, retroactive as applicable, provided to employees and their survivors for creditable service under the Civil Service Retirement System under subchapter III of chapter 83 of title 5, United States Code, with respect to that qualifying service; and

(B) may submit an application for benefits based on the qualifying service to the Office of Personnel Management not later than 2 years after the effective date under subsection (g) of this section.

(2) INDIVIDUALS DECEASED BEFORE DATE OF ENACTMENT.—A survivor of an individual who performed qualifying service and became eligible, by reason of this section, for benefits based on the qualifying service under subchapter III of chapter 83 of title 5, United States Code (but became deceased before the date of enactment of this Act)—

(A) may submit an application for benefits based on the qualifying service to the Office of Personnel Management not later than 2 years after the effective date under subsection (g) of this section, disregarding any requirement that an employee have filed an application while living; and

(B) upon submission of the application under subparagraph (A), shall be eligible for a survivor annuity under section 8341 of title 5, United States Code, equal to 55 percent (or 50 percent if the deceased individual retired before October 11, 1962) of the self-only annuity (as defined in section 838.103 of title 5, Code of Federal Regulations (or any successor regulation)) that otherwise would have been paid to the deceased individual.

(e) DEDUCTION, CONTRIBUTION, AND DEPOSIT REQUIREMENTS.—The deposit of funds in the Treasury of the United States made by Air America in the form of a lump-sum payment apportioned in part to the Civil Service Disability and Retirement Fund in 1976 is deemed to satisfy the deduction, contribution, and deposit requirements under section 8334 of title 5, United States Code, with respect to all periods of qualifying service.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to set any type of precedent for purposes of civil service retirement credit with the Civil Service Retirement and Disability Fund or any successor fund.

(g) EFFECTIVE DATE.—This section shall take effect on the date that is 30 days after the date of enactment of this Act.

SA 6170. Mr. INHOFE (for Mr. RUBIO (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 appropriate place, insert the following:

SEC. _____. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AGREEMENTS WITH PRIVATE AND COMMERCIAL ENTITIES AND STATE GOVERNMENTS TO PROVIDE CERTAIN SUPPLIES, SUPPORT, AND SERVICES.

Section 20113 of title 51, United States Code, is amended by adding at the end the following:

''(o) AGREEMENTS WITH COMMERCIAL ENTITIES AND STATE GOVERNMENTS.—The Administration—

''(1) may enter into an agreement with a private or commercial entity or a State government to provide the entity or State government with supplies, support, and services related to private, commercial, or State government space activities carried on at a property owned or operated by the Administration; and

''(2) on request by such an entity or State government, may include such supplies, support, and services in the requirements of the Administration if—

''(A) the Administrator determines that the inclusion of such supplies, support, or services in such requirements—

''(i) is in the best interest of the Federal Government;

''(ii) does not interfere with the requirements of the Administration; and

''(iii) does not compete with the commercial space activities of other such entities or State governments; and

''(B) the Administration has full reimbursable funding from the entity or State government that requested such supplies, support, and services before making any obligation for the delivery of the supplies, support, or services under an Administration procurement contract or any other agreement.''.

SA 6171. 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 A of title XV, add the following:

SEC. 1509. SENSE OF THE SENATE ON PERSONNEL FOR THE SPACE DEVELOPMENT AGENCY.

It is the sense of the Senate that—

(1) as the Space Development Agency transfers into the United States Space Force in October 2022, the Space Development Agency should retain the original organizational structure during that process, including leadership positions;

(2) there should be a transfer of three Senior Executive Service positions authorized for the Department of Defense to the Space Development Agency;

(3) the modification described in paragraph (2) should be approved per the National Defense Authorization Act for Fiscal Year 2021 Joint Explanatory Statement, which directed that when the Space Development Agency transfers to the Department of the Air Force, the Space Development Agency shall retain the equivalent position of tier-3 Senior Executive Service; and

(4) the Director of the Space Development Agency should maintain equivalency to—

(A) the Commander of Space Systems Command;

(B) the Director of the Department of the Air Force Rapid Capabilities Office;

(C) the Director of the Space Security and Defense Program;

(D) the Director of the Space Warfighting Analysis Center;

(E) the Director of the Space Rapid Capabilities Office;

(F) the Commander of Space Operations Command; and

(G) the Commander of Space Training and Readiness Command.

SA 6172. Mr. SCOTT of South Carolina (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 appropriate place in title X, insert the following:

SEC. ___. DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM ON USE OF ALTERNATIVE CREDIT SCORING INFORMATION OR CREDIT SCORING MODELS.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence carrying out a pilot program that will assess the feasibility and advisability of—

(A) using alternative credit scoring information or credit scoring models using alternative credit scoring methodology for an individual described in paragraph (2)—

(i) to improve the determination of creditworthiness of such an individual; and

(ii) to increase the number of such individuals who are able to obtain a loan guaranteed or insured under chapter 37 of title 38, United States Code; and

(B) in consultation with such entities as the Secretary considers appropriate, establishing criteria for acceptable commercially available credit scoring models to be used by lenders for the purpose of guaranteeing or insuring a loan under chapter 37 of title 38, United State Code.

(2) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is a veteran or a member of the Armed Forces who—

(A) is eligible for a loan under chapter 37 of title 38, United States Code; and

(B) has an insufficient credit history for a lender or the Secretary to determine the creditworthiness of the individual.

(3) ALTERNATIVE CREDIT SCORING INFORMATION.—Alternative credit scoring information described in paragraph (1)(A) may include proof of rent, utility, and insurance payment histories, and such other information as the Secretary considers appropriate.

(b) VOLUNTARY PARTICIPATION.—

(1) IN GENERAL.—The Secretary shall ensure that any participation in the pilot program is voluntary on an opt-in basis for a lender, a borrower, and an individual described in subsection (a)(2).

(2) NOTICE OF PARTICIPATION.—Subject to paragraph (3), any lender who participates in the pilot program shall—

(A) notify each individual described in subsection (a)(2) who, during the pilot program, applies for a loan under chapter 37 of title 38, United States Code, from such lender, of the lender's participation in the pilot program; and

(B) offer such individual the opportunity to participate in the pilot program.

(3) LIMITATION.—

(A) IN GENERAL.—The Secretary may establish a limitation on the number of individuals and lenders that may participate in the pilot program.

(B) REPORT.—If the Secretary limits participation in the pilot program under subparagraph (A), the Secretary shall, not later than 15 days after establishing such limitation, submit to Congress a report setting forth the reasons for establishing such limitation.

(c) APPROVAL OF CREDIT SCORING MODELS.—

(1) IN GENERAL.—A lender participating in the pilot program may not use a credit scoring model under subsection (a)(1)(A) until the Secretary has reviewed and approved such credit scoring model for purposes of the pilot program.

(2) PUBLICATION OF CRITERIA.—The Secretary shall publish in the Federal Register any criteria established under subsection (a)(1)(B) for acceptable commercially available credit scoring models that use alternative credit scoring information described in subsection (a)(1)(A) to be used for purposes of the pilot program.

(3) CONSIDERATIONS; APPROVAL OF CERTAIN MODELS.—In selecting credit scoring models to approve under this section, the Secretary shall—

(A) consider the criteria for credit score assessments under section 1254.7 of title 12, Code of Federal Regulations; and

(B) approve any commercially available credit scoring model that has been approved pursuant to section 302(b)(7) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(7)) or section 305(d) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(d)).

(d) OUTREACH.—To the extent practicable, the Secretary shall conduct outreach to lenders and individuals described in subsection (a)(2) to inform such persons of the pilot program.

(e) REPORT.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program.

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

(A) The findings of the Secretary with respect to the feasibility and advisability of using alternative credit scoring information or credit scoring models using alternative credit scoring methodology for individuals described in subsection (a)(2).

(B) A description of the efforts of the Secretary to assess the feasibility and advisability of using alternative credit scoring information or credit scoring models as described in subparagraph (A).

(C) To the extent practicable, the following:

(i) The rate of participation in the pilot program.

(ii) An assessment of whether participants in the pilot program benefitted from such participation.

(D) An assessment of the effect of the pilot program on the subsidy rate for loans guaranteed or insured by the Secretary under chapter 37 of title 38, United States Code.

(E) Such other information as the Secretary considers appropriate.

(f) TERMINATION.—

(1) IN GENERAL.—The Secretary shall complete the pilot program required by subsection (a)(1) not later than two years after the date on which the pilot program commences.

(2) EFFECT ON LOANS AND APPLICATIONS.—The termination of the pilot program under paragraph (1) shall not affect a loan guaranteed, or for which loan applications have been received by a participating lender, on or before the date of the completion of the pilot program.

(g) INSUFFICIENT CREDIT HISTORY DEFINED.—In this section, the term ''insufficient credit history'', with respect to an individual described in subsection (a)(2), means that the individual does not have a credit record with one of the national credit reporting agencies or such credit record contains insufficient credit information to assess creditworthiness.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2023.

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2023 by section 201 for research, development, test, and evaluation, as specified in the corresponding funding table in section 4201, for Defense-wide manufacturing science and technology program (line 54), is hereby decreased by $20,000,000.

SA 6173. Mr. DURBIN (for himself and 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 C of title VIII, add the following:

SEC. 848. MODIFICATION OF DEFINITION OF DOMESTIC SOURCE UNDER DEFENSE PRODUCTION ACT OF 1950.

Section 702(7)(A) of the Defense Production Act of 1950 (50 U.S.C. 4552(7)(A)) is amended by striking ''or Canada'' and inserting '', Canada, Australia, or the United Kingdom''.

SA 6174. Mr. DURBIN (for himself and 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 D of title VI, add the following:

SEC. 632. REPORT ON CREDIT AND DEBIT CARD USER FEES IMPOSED ON VETERANS AND CAREGIVERS AT COMMISSARY STORES AND MWR FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Treasury, shall submit to Congress a report on the imposition of user fees under subsection (g) of section 1065 of title 10, United States Code, with respect to the use of credit or debit cards at commissary stores and MWR facilities by individuals eligible to use commissary stores and MWR facilities under that section.

(b) ELEMENTS.—The report required by subsection (a) shall provide the following, for the fiscal year preceding submission of the report:

(1) The total amount of expenses borne by the Department of the Treasury on behalf of commissary stores and MWR facilities associated with the use of credit or debit cards for customer purchases by individuals described in subsection (a), including expenses related to card network use and related transaction processing fees.

(2) The total amount of fees related to credit and debit card network use and related transaction processing paid by the Department of the Treasury on behalf of commissary stores and MWR facilities to credit and debit card networks and issuers.

(3) An identification of all credit and debit card networks to which the Department of the Treasury paid fees described in paragraph (2).

(4) An identification of the 10 credit card issuers and the 10 debit card issuers to which the Department of the Treasury paid the most fees described in paragraph (2).

(5) The total amount of user fees imposed on individuals under section 1065(g) of title 10, United States Code, who are—

(A) veterans who were awarded the Purple Heart;

(B) veterans who were Medal of Honor recipients;

(C) veterans who are former prisoners of war;

(D) veterans with a service-connected disability; and

(E) caregivers or family caregivers of a veteran.

(6) The total amount of fees described in paragraph (2) that were reimbursed to the Department of the Treasury by credit and debit card networks and issuers in order to spare individuals described in subsection (a) from being charged user fees for credit and debit card use at commissary stores or MWR retail facilities.

(c) DEFINITIONS.—In this section, the terms ''caregiver'', ''family caregiver'', and ''MWR facilities'' have the meanings given those terms in section 1065(h) of title 10, United States Code.

SA 6175. Mr. BENNET (for himself and Mr. CORNYN) 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 end of subtitle D of title XII, add the following:

SEC. 1254. REVIEW OF PORT AND PORT-RELATED INFRASTRUCTURE PURCHASES AND INVESTMENTS MADE BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND ENTITIES DIRECTED OR BACKED BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

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

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

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

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

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

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

(2) An analysis of the effects the consolidation of such investments, or the assertion of control by the Government of the People's Republic of China over entities described in paragraph (2) or (3) of that subsection, would have on Department of State, Office of the Director of National Intelligence, and Department of Defense contingency plans.

(3) A description of the integration into ports of technologies developed and produced by the Government of the People's Republic of China or entities described in paragraphs (2) or (3) of subsection (a), and the data and cyber security risks posed by such integration.

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

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

(d) REPORT.—

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

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

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

(2) PORT.—The term ''port'' means—

(A) any port—

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

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

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

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

(A) crane equipment;

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

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

SA 6176. Mr. BENNET (for himself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. JUSTIFICATION FOR TRANSFER OR ELIMINATION OF FLYING MISSIONS.

(a) IN GENERAL.—Prior to the relocation or elimination of any flying mission, either with respect to an active or reserve component of a covered Armed Force, the Secretary of Defense shall submit to the congressional defense committees a report describing the justification of the Secretary for the decision to relocate or eliminate such mission. Such report shall include each of the following:

(1) A description of how the decision supports the national defense strategy, the national military strategy, the North American Aerospace Defense Command strategy, and other relevant strategies.

(2) A specific analysis and metrics supporting such decision.

(3) An analysis and metrics to show that the elimination or relocation of the flying mission would not negatively affect the homeland defense mission.

(4) A plan for how the Department of Defense intends to fulfill or continue the mission requirements of the eliminated or relocated flying mission.

(5) An assessment of the effect of the elimination or relocation on the national defense strategy, the national military strategy, the North American Aerospace Defense Command strategy, and the homeland defense mission.

(6) An analysis and metrics to show that the elimination or relocation of the flying mission and its secondary and tertiary impacts would not degrade capabilities and readiness of the Joint Force.

(7) An analysis and metrics to show that the elimination or relocation of the flying mission would not negatively affect the national military airspace system.

(b) COVERED ARMED FORCE.—In this section, the term ''covered Armed Force'' means—

(1) The Army.

(2) The Navy.

(3) The Air Force.

SA 6177. Mr. BENNET (for himself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2703. CLOSURE AND DISPOSAL OF THE PUEBLO CHEMICAL DEPOT, PUEBLO COUNTY, COLORADO.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Army shall close the Pueblo Chemical Depot

in Pueblo County, Colorado (in this section referred to as the ''Depot''), not later than one year after the completion of the chemical demilitarization mission at such location in accordance with the Chemical Weapons Convention.

(b) PROCEDURES.—The Secretary of the Army shall carry out the closure and subsequent related property management and disposal of the Depot, including the land, buildings, structures, infrastructure, and associated equipment, installed equipment, material, and personal property that comprise the Chemical Agent–Destruction Pilot Plant, in accordance with the procedures and authorities for the closure, management, and disposal of property under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) OFFICE OF LOCAL DEFENSE COMMUNITY COOPERATION ACTIVITIES.—The Office of Local Defense Community Cooperation of the Department of Defense may make grants and supplement other Federal funds pursuant to section 2391 of title 10, United States Code, to support closure and reuse activities of the Depot.

(d) TREATMENT OF EXISTING PERMITS.—Nothing in this section shall be construed to prevent the removal or demolition by the Program Executive Office, Assembled Chemical Weapons Alternatives of the Department of the Army of existing buildings, structures, infrastructure, and associated equipment, installed equipment, material, and personal property of the Chemical Agent–Destruction Pilot Plant at the Depot in accordance with Hazardous Waste Permit Number CO–20–09–02–01 under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ''Resource Conservation and Recovery Act of 1976'') issued by the State of Colorado, or any associated or follow-on permits under such Act.

(e) HOMELESS USE.—Given the nature of activities undertaken at the Chemical Agent–Destruction Pilot Plant at the Depot, such land, buildings, structures, infrastructure, and associated equipment, installed equipment, material, and personal property comprising the Chemical Agent–Destruction Pilot Plant is deemed unsuitable for homeless use and, in carrying out any closure, management, or disposal of property under this section, need not be screened for homeless use purposes pursuant to section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SA 6178. 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. GUIDANCE ON INVESTIGATIONS OF USE OF UNITED STATES-ORIGIN DEFENSE ARTICLES IN YEMEN.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Defense, shall develop specific guidance for investigating any indications that United States-origin defense articles have been used in Yemen by the Saudi-led coalition in substantial violation of relevant agreements with countries participating in the coalition, including for unauthorized purposes.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report on—

(A) the guidance developed under subsection (a); and

(B) all current information on each of the certification elements required by section 1290 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2081).

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

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

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

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

SA 6179. Mr. MERKLEY (for himself, Mr. MARKEY, 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:

Strike section 1521 and insert the following:

SEC. 1521. PROGRAM FOR RESEARCH AND DEVELOPMENT OF ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall establish a program to assess the viability of using low-enriched uranium in naval nuclear propulsion reactors, including such reactors located on aircraft carriers and submarines, that meet the requirements of the Navy.

(b) ACTIVITIES.—In carrying out the program under subsection (a), the Administrator shall carry out activities to develop an advanced naval nuclear fuel system based on low-enriched uranium, including activities relating to—

(1) down-blending of high-enriched uranium into low-enriched uranium;

(2) manufacturing of candidate advanced low-enriched uranium fuels;

(3) irradiation tests and post-irradiation examination of these fuels;

(4) modification or procurement of equipment and infrastructure relating to such activities; and

(5) designing naval propulsion reactors that incorporate candidate advanced low enriched uranium fuels.

(c) SUBMISSION OF PLAN.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a plan outlining the activities the Administrator will carry out under the program established under subsection (a), including the funding requirements associated with developing a low-enriched uranium fuel.

(d) REPORT ON PERFORMANCE IMPACT OF LOW-ENRICHED URANIUM REACTOR CORE SIZE.—Not later than December 15, 2022, the Administrator, in consultation with the Secretary of the Navy, shall prepare and submit to the congressional defense committees a report assessing the feasibility and performance impact of a Virginia-Class replacement nuclear powered attack submarine that retains the anticipated hull diameter and power plant design, but leaves sufficient space for a low-enriched uranium-fueled reactor with a life of the ship core, possibly with an increased module length. The report shall assess the impact on vessel performance of the increased core size over the range of potential low-enriched uranium fuel packing densities discussed in the November 2016 JASON report JSR–16–Task–013, and compare this with the performance impact of recent adjustments of vessel lengths such as that from the Virginia Payload Module.

(e) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated by title XXXI for the National Nuclear Security Administration, as specified in the corresponding funding table in section 4701, for Defense Nuclear Nonproliferation, Defense Nuclear Nonproliferation R&D is hereby increased by $20,000,000 for the purpose of LEU Research and Development for Naval Pressurized Water Reactors.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated by title XXXI for the National Nuclear Security Administration, as specified in the corresponding funding table in section 4701, for Defense Nuclear Nonproliferation is hereby reduced—

(A) by $10,000,000 for the amount for nuclear smuggling detection and deterrence; and

(B) by $10,000,000 for the amount for nuclear detonation detection.

SA 6180. 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. CEASEFIRE PROTECTION MEASURES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President and all relevant Federal agencies should use funds and resources at their disposal to continue to engage in formal or informal diplomacy or consultations with military forces aligned with and under the control of the internationally recognized Government of Yemen and with Ansar Allah, the Saudi- and Emirati-led coalition, any other armed group so as—

(1) to continue to maintain any ceasefire or cessation of hostilities in the war in Yemen; and

(2) to create, conduct, or continue to facilitate a legitimate peace process to end the war in Yemen.

(b) VERIFICATION REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter for one year, the Secretary of State, in coordination with the

Director of National Intelligence, the Secretary of Defense, and the head of any other relevant Federal agency, shall submit to Congress a report that includes the following:

(A) An assessment on the current status of any ceasefire or cessation of hostilities among the military forces aligned with and under the control of the internationally recognized Government of Yemen, Ansar Allah, the Saudi- and Emirati-led coalition, and any other armed group.

(B) A list of any violations of any existing ceasefire or cessation of hostilities in Yemen by—

(i) armed forces aligned with and under the control of—

(I) the internationally recognized Government of Yemen;

(II) Ansar Allah; and

(III) any other armed group included in any ceasefire; or

(ii) airstrikes or drone strikes conducted by—

(I) the Saudi Royal Air Force; or

(II) the United Arab Emirates Air Force and Air Defense.

(C) An assessment of how many fuel shipments, including how many tons of fuel, have entered the port of Hodeida since April 2, 2022, and whether the collection of custom duties at the port of Hodeida is used to pay the salaries of public sector employees.

(D) A description of the reopening of the Sanaa International Airport to commercial flights, including how many flights have arrived and departed the airport since April 2, 2022, and an analysis of the barriers to progress and possible solutions for opening flights to and from Cairo International Airport.

(E) An assessment of road access to and from the city of Taiz, including the estimated time of travel between Taiz and the city of Aden and any other measurement used to determine the freedom of movement to and from Taiz.

(F) A list and assessment of any additional condition or measure included after the date of the enactment of this Act in any ceasefire, peace process, or negotiated peace settlement in Yemen.

(G) An assessment and description of the President's diplomatic strategy and efforts to maintain any such ceasefire and build on it to advance a negotiated, legitimate, and permanent peace settlement to end the war in Yemen.

(H) An analysis of the barriers to progress on elements of the truce and ways to incentivize progress towards maintaining the truce and building a more sustainable political resolution to the conflict.

(I) A progress report on the emergency operation by the United Nations to transfer the oil from the floating storage and offloading vessel (FSO) *Safer* to a safe vessel.

(2) FORM.—Each report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex that is provided separately from the unclassified version.

(c) BRIEFING ON SUPPORT FOR MULTILATERAL HUMAN RIGHTS INVESTIGATIVE MECHANISM.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall provide a briefing to the appropriate committees of Congress on the benefits and utility of providing direct support to an independent multilateral investigative mechanism to document and report past, ongoing, and future violations of human rights and international humanitarian law by all parties in the conflict in Yemen since 2015.

(d) CEASEFIRE MAINTENANCE MECHANISMS; PROHIBITION OF LICENSES AUTHORIZING EXPORTS OF CERTAIN DEFENSE SERVICES.—During the 2-year period beginning on the date of the most recent violations listed under subsection (b)(1)(B)(ii), the President may not issue any license, and shall suspend any license or other approval that was issued before the date of the enactment of this Act, authorizing the export to the Government of Saudi Arabia or the Government of United Arab Emirate of defense services related to the maintenance or servicing of United States-provided aircraft belonging to military units determined to have undertaken offensive airstrikes inside Yemen after such date of enactment that are not related directly to preventing or degrading the ability of Ansar Allah forces to launch missile and unmanned aircraft strikes on the territory of Saudi Arabia or the United Arab Emirates.

SA 6181. Mr. MERKLEY (for himself and 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 XII, add the following:

SEC. 1276. PROTECTION OF SAUDI DISSIDENTS.

(a) RESTRICTIONS ON TRANSFERS OF DEFENSE ARTICLES AND SERVICES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT TO SAUDI ARABIA.—

(1) INITIAL PERIOD.—During the 120-day period beginning on the date of the enactment of this Act, the President may not sell, authorize a license for the export of, or otherwise transfer any defense articles or defense services, design and construction services, or major defense equipment under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to an intelligence, internal security, or law enforcement agency or instrumentality of the Government of Saudi Arabia, or to any person acting as an agent of or on behalf of such agency or instrumentality.

(2) SUBSEQUENT PERIODS.—

(A) IN GENERAL.—During the 120-day period beginning after the end of the 120-day period described in paragraph (1), and each 120-day period thereafter, the President may not sell, authorize a license for the export of, or otherwise transfer any defense articles or services, design and construction services, or major defense equipment under the Arms Export Control Act (22 U.S.C. 2751 et seq.), regardless of the amount of such articles, services, or equipment, to an intelligence, internal security, or law enforcement agency or instrumentality of the Government of Saudi Arabia, or to any person acting as an agent of or on behalf of such agency or instrumentality, unless the President has submitted to the chairman and ranking member of the appropriate committees of Congress a certification described in subparagraph (B).

(B) CERTIFICATION.—A certification described in this paragraph is a certification that contains a determination of the President that, during the 120-day period preceding the date of submission of the certification, the United States Government has not determined that the Government of Saudi Arabia has conducted any of the following activities:

(i) Forced repatriation, intimidation, or killing of dissidents in other countries.

(ii) The unjust imprisonment in Saudi Arabia of United States citizens or aliens lawfully admitted for permanent residence or the prohibition on these individuals and their family members from exiting Saudi Arabia.

(iii) Torture of detainees in the custody of the Government of Saudi Arabia.

(3) EXCEPTION.—The restrictions in this subsection shall not apply with respect to the sale, authorization of a license for export, or transfer of any defense articles or services, design and construction services, or major defense equipment under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for use in—

(A) the defense of the territory of Saudi Arabia from external threats; or

(B) the defense of United States military or diplomatic personnel or United States facilities located in Saudi Arabia.

(4) WAIVER.—

(A) IN GENERAL.—The President may waive the restrictions in this subsection if the President submits to the appropriate committees of Congress a report not later than 15 days before the granting of such waiver that contains—

(i) a determination of the President that such a waiver is in the vital national security interests of the United States; and

(ii) a detailed justification for the use of such waiver and the reasons why the restrictions in this subsection cannot be met.

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

(5) SUNSET.—This subsection shall terminate on the date that is three years after the date of the enactment of this Act.

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

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

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

(b) REPORT ON CONSISTENT PATTERN OF ACTS OF INTIMIDATION OR HARASSMENT DIRECTED AGAINST INDIVIDUALS IN THE UNITED STATES.—

(1) FINDINGS.—Congress finds the following:

(A) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) states the following: ''No letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued under this Act with respect to any country determined by the President to be engaged in a consistent pattern of acts of intimidation or harassment directed against individuals in the United States''.

(B) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) further requires the President to report any such determination promptly to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Speaker of the House of Representatives.

(2) REPORT ON ACTS OF INTIMIDATION OR HARASSMENT AGAINST INDIVIDUALS IN THE UNITED STATES.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on—

(A) whether any official of the Government of Saudi Arabia engaged in a consistent pattern of acts of intimidation or harassment directed against Jamal Khashoggi or any individual in the United States; and

(B) whether any United States-origin defense articles were used in the activities described in subparagraph (A).

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

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

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

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(c) REPORT AND CERTIFICATION WITH RESPECT TO SAUDI DIPLOMATS AND DIPLOMATIC FACILITIES IN THE UNITED STATES.—

(1) REPORT ON SAUDI DIPLOMATS AND DIPLOMATIC FACILITIES IN UNITED STATES.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report covering the three-year period preceding such date of enactment regarding whether and to what extent covered persons used diplomatic credentials, visas, or covered facilities to facilitate monitoring, tracking, surveillance, or harassment of, or harm to, other nationals of Saudi Arabia living in the United States.

(2) CERTIFICATION.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and each 120-day period thereafter, the President shall, if the President determines that such is the case, submit to the appropriate committees of Congress a certification that the United States Government has not determined covered persons to be using diplomatic credentials, visas, or covered facilities to facilitate serious harassment of, or harm to, other nationals of Saudi Arabia living in the United States during the time period covered by each such certification.

(B) FAILURE TO SUBMIT CERTIFICATION.—If the President does not submit a certification under subparagraph (A), the President shall—

(i) close one or more covered facilities for such period of time until the President does submit such a certification; and

(ii) submit to the appropriate committees of Congress a report that contains—

(I) a detailed explanation of why the President is unable to make such a certification;

(II) a list and summary of engagements of the United States Government with the Government of Saudi Arabia regarding the use of diplomatic credentials, visas, or covered facilities described in subparagraph (A); and

(III) a description of actions the United States Government has taken or intends to take in response to the use of diplomatic credentials, visas, or covered facilities described in subparagraph (A).

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

(4) WAIVER.—

(A) IN GENERAL.—The President may waive the restrictions in this subsection if the President submits to the appropriate committees of Congress a report not later than 15 days before the granting of such waiver that contains—

(i) a determination of the President that such a waiver is in the vital national security interests of the United States; and

(ii) a detailed justification for the use of such waiver and the reasons why the restrictions in this subsection cannot be met.

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

(5) SUNSET.—This subsection shall terminate on the date that is three years after the date of the enactment of this Act.

(6) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

(ii) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) COVERED FACILITY.—The term ''covered facility'' means a diplomatic or consular facility of Saudi Arabia in the United States.

(C) COVERED PERSON.—The term ''covered person'' means a national of Saudi Arabia credentialed to a covered facility.

(d) REPORT ON THE DUTY TO WARN OBLIGATION OF THE GOVERNMENT OF THE UNITED STATES.—

(1) FINDINGS.—Congress finds that Intelligence Community Directive 191 provides that—

(A) when an element of the intelligence community of the United States collects or acquires credible and specific information indicating an impending threat of intentional killing, serious bodily injury, or kidnapping directed at a person, the agency must ''warn the intended victim or those responsible for protecting the intended victim, as appropriate'' unless an applicable waiver of the duty is granted by the appropriate official within the element; and

(B) when issues arise with respect to whether the threat information rises to the threshold of ''duty to warn'', the directive calls for resolution in favor of warning the intended victim.

(2) REPORT ON DUTY TO WARN.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of other relevant United States intelligence agencies, shall submit to the appropriate committees of Congress a report with respect to—

(A) whether and how the intelligence community fulfilled its duty to warn Jamal Khashoggi of threats to his life and liberty pursuant to Intelligence Community Directive 191; and

(B) in the case of the intelligence community not fulfilling its duty to warn as described in subparagraph (A), why the intelligence community did not fulfill this duty.

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

(4) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

(ii) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) DUTY TO WARN.—The term ''duty to warn'' has the meaning given that term in Intelligence Community Directive 191, as in effect on July 21, 2015.

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

(D) RELEVANT UNITED STATES INTELLIGENCE AGENCY.—The term ''relevant United States intelligence agency'' means any element of the intelligence community that may have possessed intelligence reporting regarding threats to Jamal Khashoggi.

SA 6182. Mr. MERKLEY (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 D of title XII, add the following:

SEC. 1254. CHINA CENSORSHIP MONITOR AND ACTION GROUP.

(a) DEFINITIONS.—In this section:

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

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

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

(2) QUALIFIED RESEARCH ENTITY.—The term ''qualified research entity'' means an entity that—

(A) is a nonpartisan research organization or a federally funded research and development center;

(B) has appropriate expertise and analytical capability to write the report required under subsection (c); and

(C) is free from any financial, commercial, or other entanglements, which could undermine the independence of such report or create a conflict of interest or the appearance of a conflict of interest, with—

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

(ii) the Chinese Communist Party;

(iii) any company incorporated in the People's Republic of China or a subsidiary of such company; or

(iv) any company or entity incorporated outside of the People's Republic of China that is believed to have a substantial financial or commercial interest in the People's Republic of China.

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

(b) CHINA CENSORSHIP MONITOR AND ACTION GROUP.—

(1) IN GENERAL.—The President shall establish an interagency task force, which shall be known as the ''China Censorship Monitor and Action Group'' (referred to in this subsection as the ''Task Force'').

(2) MEMBERSHIP.—The President shall—

(A) appoint the chair of the Task Force from among the staff of the National Security Council;

(B) appoint the vice chair of the Task Force from among the staff of the National Economic Council; and

(C) direct the head of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(vii) The Federal Communications Commission.

(viii) The United States Agency for Global Media.

(ix) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) oversee the development and execution of an integrated Federal Government strategy to monitor and address the impacts of efforts directed, or directly supported, by the Government of the People's Republic of China to censor or intimidate, in the United States or in any of its possessions or territories, any United States person, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech; and

(B) submit the strategy developed pursuant to subparagraph (A) to the appropriate congressional committees not later than 120 days after the date of the enactment of this Act.

(4) MEETINGS.—The Task Force shall meet not less frequently than twice per year.

(5) CONSULTATIONS.—The Task Force should regularly consult, to the extent necessary and appropriate, with—

(A) Federal agencies that are not represented on the Task Force;

(B) independent agencies of the United States Government that are not represented on the Task Force;

(C) relevant stakeholders in the private sector and the media; and

(D) relevant stakeholders among United States allies and partners facing similar challenges related to censorship or intimidation by the Government of the People's Republic of China.

(6) REPORTING REQUIREMENTS.—

(A) ANNUAL REPORT.—The Task Force shall submit an annual report to the appropriate congressional committees that describes, with respect to the reporting period—

(i) the strategic objectives and policies pursued by the Task Force to address the challenges of censorship and intimidation of United States persons while in the United States or any of its possessions or territories, which is directed or directly supported by the Government of the People's Republic of China;

(ii) the activities conducted by the Task Force in support of the strategic objectives and policies referred to in clause (i); and

(iii) the results of the activities referred to in clause (ii) and the impact of such activities on the national interests of the United States.

(B) FORM OF REPORT.—Each report submitted pursuant to subparagraph (A) shall be unclassified, but may include a classified annex.

(C) CONGRESSIONAL BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Task Force shall provide briefings to the appropriate congressional committees regarding the activities of the Task Force to execute the strategy developed pursuant to paragraph (3)(A).

(c) REPORT ON CENSORSHIP AND INTIMIDATION OF UNITED STATES PERSONS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall select and seek to enter into an agreement with a qualified research entity that is independent of the Department of State to write a report on censorship and intimidation in the United States and its possessions and territories of United States persons, including United States companies that conduct business in the People's Republic of China, which is directed or directly supported by the Government of the People's Republic of China.

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

(i) assess major trends, patterns, and methods of the Government of the People's Republic of China's efforts to direct or directly support censorship and intimidation of United States persons, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech;

(ii) assess, including through the use of illustrative examples, as appropriate, the impact on and consequences for United States persons, including United States companies that conduct business in the People's Republic of China, that criticize—

(I) the Chinese Communist Party;

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

(III) the authoritarian model of government of the People's Republic of China; or

(IV) a particular policy advanced by the Chinese Communist Party or the Government of the People's Republic of China;

(iii) identify the implications for the United States of the matters described in clauses (i) and (ii);

(iv) assess the methods and evaluate the efficacy of the efforts by the Government of the People's Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests;

(v) include policy recommendations for the United States Government, including recommendations regarding collaboration with United States allies and partners, to address censorship and intimidation by the Government of the People's Republic of China; and

(vi) include policy recommendations for United States persons, including United States companies that conduct business in China, to address censorship and intimidation by the Government of the People's Republic of China.

(C) APPLICABILITY TO UNITED STATES ALLIES AND PARTNERS.—To the extent practicable, the report required under subparagraph (A) should identify implications and policy recommendations that are relevant to United States allies and partners facing censorship and intimidation directed or directly supported by the Government of the People's Republic of China.

(2) SUBMISSION OF REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit the report written by the qualified research entity selected pursuant to paragraph (1)(A) to the appropriate congressional committees.

(B) PUBLICATION.—The report referred to in subparagraph (A) shall be made accessible to the public online through relevant United States Government websites.

(3) FEDERAL GOVERNMENT SUPPORT.—The Secretary of State and other Federal agencies selected by the President shall provide the qualified research entity selected pursuant to paragraph (1)(A) with timely access to appropriate information, data, resources, and analyses necessary for such entity to write the report described in paragraph (1)(A) in a thorough and independent manner.

(d) SUNSET.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SA 6183. Mr. BENNET (for himself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. PAYMENTS TO STATES FOR THE TREATMENT OF PERFLUOROOCTANE SULFONIC ACID AND PERFLUOROOCTANOIC ACID IN DRINKING WATER.

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

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

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

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

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

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

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

(c) AGREEMENTS.—

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

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

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

the Department of the Air Force and that State.

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

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

SA 6184. Mr. TESTER (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. _____. FIRST RESPONDER FAIR RETIREMENT.

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

(1) it is in the best national and homeland security interests of the United States for Federal agencies to retain the specialized knowledge and experience of individuals who suffer an injury or illness while serving in a covered position (as defined under the amendments made by this section); and

(2) Federal agencies should ensure, to the greatest extent possible, that an individual who can no longer carry out the duties of a covered position, and is reappointed to a position in the civil service that is not a covered position, is reappointed within the same Federal agency, in the same geographic location, and at a level of pay commensurate to the position which the individual held immediately prior to such injury or illness.

(b) RETIREMENT FOR CERTAIN EMPLOYEES.—

(1) CSRS.—Section 8336(c) of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) In this paragraph—

''(i) the term 'affected individual' means an individual covered under this subchapter who—

''(I) is performing service in a covered position;

''(II) while performing official duties, becomes ill or is injured as a direct result of the performance of such duties before the date on which the individual becomes entitled to an annuity under paragraph (1) of this subsection or subsection (e), (m), or (n), as applicable;

''(III) because of the illness or injury described in subclause (II), is permanently unable to render useful and efficient service in the covered position held by the employee, as determined by the agency in which the individual was serving when such individual incurred the illness or injury; and

''(IV) is appointed to a position in the civil service that—

''(aa) is not a covered position; and

''(bb) is within an agency that regularly appoints individuals to supervisory or administrative positions related to the activities of the former covered position of the individual; and

''(ii) the term 'covered position' means a position as a law enforcement officer, customs and border protection officer, firefighter, air traffic controller, nuclear materials courier, member of the Capitol Police, or member of the Supreme Court Police.

''(B) Creditable service by an affected individual in a position described in subparagraph (A)(i)(IV) shall be treated as creditable service in a covered position for purposes of this chapter and determining the amount to be deducted and withheld from the pay of the affected individual under section 8334, unless—

''(i) the affected individual files an election described in subparagraph (C);

''(ii) there is a break in service exceeding 3 days before the affected individual transitions to the position described in subparagraph (A)(i)(IV); or

''(iii) the service occurs after the affected individual—

''(I) is transferred to a supervisory or administrative position related to the activities of the former covered position of the affected individual; or

''(II) meets the age and service requirements that would subject the individual to mandatory separation under section 8335 if the affected individual had remained in the former covered position.

''(C) In accordance with procedures established by the Director of the Office of Personnel Management, an affected individual may file an election to have any creditable service performed by the affected individual treated in accordance with this chapter without regard to subparagraph (B).

''(D) Nothing in this paragraph shall be construed to apply to an affected individual any other pay-related laws or regulations applicable to a covered position.''.

(2) FERS.—

(A) IN GENERAL.—Section 8412(d) of title 5, United States Code, is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(ii) by inserting ''(1)'' before ''An employee''; and

(iii) by adding at the end the following:

''(2)(A) In this paragraph—

''(i) the term 'affected individual' means an individual covered under this chapter who—

''(I) is performing service in a covered position;

''(II) while performing official duties, becomes ill or is injured as a direct result of the performance of such duties before the date on which the individual becomes entitled to an annuity under paragraph (1) of this subsection or subsection (e), as applicable;

''(III) because of the illness or injury described in subclause (II), is permanently unable to render useful and efficient service in the covered position held by the employee, as determined by the agency in which the individual was serving when such individual incurred the illness or injury; and

''(IV) is appointed to a position in the civil service that—

''(aa) is not a covered position; and

''(bb) is within an agency that regularly appoints individuals to supervisory or administrative positions related to the activities of the former covered position of the individual;

''(ii) the term 'covered position' means a position as a law enforcement officer, customs and border protection officer, firefighter, air traffic controller, nuclear materials courier, member of the Capitol Police, or member of the Supreme Court Police.

''(B) Creditable service by an affected individual in a position described in subparagraph (A)(i)(IV) shall be treated as creditable service in a covered position for purposes of this chapter and determining the amount to be deducted and withheld from the pay of the affected individual under section 8422, unless—

''(i) the affected individual files an election described in subparagraph (C);

''(ii) there is a break in service exceeding 3 days before the affected individual transitions to the position described in subparagraph (A)(i)(IV); or

''(iii) the service occurs after the affected individual—

''(I) is transferred to a supervisory or administrative position related to the activities of the former covered position of the affected individual; or

''(II) meets the age and service requirements that would subject the affected individual to mandatory separation under section 8425 if the affected individual had remained in the former covered position.

''(C) In accordance with procedures established by the Director of the Office of Personnel Management, an affected individual may file an election to have any creditable service performed by the affected individual treated in accordance with this chapter without regard to subparagraph (B).

''(D) Nothing in this paragraph shall be construed to apply to an affected individual any other pay-related laws or regulations applicable to a covered position.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) Chapter 84 of title 5, United States Code, is amended—

(I) in section 8414(b)(3), by inserting ''(1)'' after ''subsection (d)'';

(II) in section 8415—

(aa) in subsection (e), in the matter preceding paragraph (1), by inserting ''(1)'' after ''subsection (d)''; and

(bb) in subsection (h)(2)(A), by striking ''(d)(2)'' and inserting ''(d)(1)(B)'';

(III) in section 8421(a)(1), by inserting ''(1)'' after ''(d)'';

(IV) in section 8421a(b)(4)(B)(ii), by inserting ''(1)'' after ''section 8412(d)'';

(V) in section 8425, by inserting ''(1)'' after ''section 8412(d)'' each place it appears; and

(VI) in section 8462(c)(3)(B)(ii), by inserting ''(1)'' after ''subsection (d)''.

(ii) Title VIII of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) is amended—

(I) in section 805(d)(5) (22 U.S.C. 4045(d)(5)), by inserting ''(1)'' after ''or 8412(d)''; and

(II) in section 812(a)(2)(B) (22 U.S.C. 4052(a)(2)(B)), by inserting ''(1)'' after ''or 8412(d)''.

(3) CIA EMPLOYEES.—Section 302 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2152) is amended by adding at the end the following:

''(d) EMPLOYEES DISABLED ON DUTY.—

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

''(A) the term 'affected employee' means an employee of the Agency covered under subchapter II of chapter 84 of title 5, United States Code, who—

''(i) is performing service in a position designated under subsection (a);

''(ii) while performing official duties in the position designated under subsection (a), becomes ill or is injured as a direct result of the performance of such duties before the date on which the employee becomes entitled to an annuity under section 233 of this Act or section 8412(d)(1) of title 5, United States Code;

''(iii) because of the illness or injury described in clause (ii), is permanently unable to render useful and efficient service in the covered position held by the employee, as determined by the Director; and

''(iv) is appointed to a position in the civil service within the Agency that is not a covered position; and

''(B) the term 'covered position' means a position as—

''(i) a law enforcement officer described in section 8331(20) or 8401(17) of title 5, United States Code;

''(ii) a customs and border protection officer described in section 8331(31) or 8401(36) of title 5, United States Code;

''(iii) a firefighter described in section 8331(21) or 8401(14) of title 5, United States Code;

''(iv) an air traffic controller described in section 8331(30) or 8401(35) of title 5, United States Code;

''(v) a nuclear materials courier described in section 8331(27) or 8401(33) of title 5, United States Code;

''(vi) a member of the United States Capitol Police;

''(vii) a member of the Supreme Court Police;

''(viii) an affected employee; or

''(ix) a special agent described in section 804(15) of the Foreign Service Act of 1980 (22 U.S.C. 4044(15)).

''(2) TREATMENT OF SERVICE AFTER DISABILITY.—Creditable service by an affected employee in a position described in paragraph (1)(A)(iv) shall be treated as creditable service in a covered position for purposes of this Act and chapter 84 of title 5, United States Code, including eligibility for an annuity under section 233 of this Act or 8412(d)(1) of title 5, United States Code, and determining the amount to be deducted and withheld from the pay of the affected employee under section 8422 of title 5, United States Code, unless—

''(A) the affected employee files an election described in paragraph (3);

''(B) there is a break in service exceeding 3 days before the affected employee transitions to the position described in paragraph (1)(A)(iv); or

''(C) the service occurs after the affected employee is transferred to a supervisory or administrative position related to the activities of the former covered position of the affected employee.

''(3) OPT OUT.—An affected employee may file an election to have any creditable service performed by the affected employee treated in accordance with chapter 84 of title 5, United States Code, without regard to paragraph (2).''.

(4) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Section 806(a)(6) of the Foreign Service Act of 1980 (22 U.S.C. 4046(a)(6)) is amended by adding at the end the following:

''(D)(i) In this subparagraph—

''(I) the term 'affected special agent' means an individual covered under this subchapter who—

''(aa) is performing service as a special agent;

''(bb) while performing official duties as a special agent, becomes ill or is injured as a direct result of the performance of such duties before the date on which the individual becomes entitled to an annuity under section 811;

''(cc) because of the illness or injury described in item (bb), is permanently unable to render useful and efficient service as a special agent, as determined by the Secretary; and

''(dd) is appointed to a position in the Foreign Service that is not a covered position; and

''(II) the term 'covered position' means a position as—

''(aa) a law enforcement officer described in section 8331(20) or 8401(17) of title 5, United States Code;

''(bb) a customs and border protection officer described in section 8331(31) or 8401(36) of title 5, United States Code;

''(cc) a firefighter described in section 8331(21) or 8401(14) of title 5, United States Code;

''(dd) an air traffic controller described in section 8331(30) or 8401(35) of title 5, United States Code;

''(ee) a nuclear materials courier described in section 8331(27) or 8401(33) of title 5, United States Code;

''(ff) a member of the United States Capitol Police;

''(gg) a member of the Supreme Court Police;

''(hh) an employee of the Agency designated under section 302(a) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2152(a)); or

''(ii) a special agent.

''(ii) Creditable service by an affected special agent in a position described in clause (i)(I)(dd) shall be treated as creditable service as a special agent for purposes of this subchapter, including determining the amount to be deducted and withheld from the pay of the individual under section 805, unless—

''(I) the affected special agent files an election described in clause (iii);

''(II) there is a break in service exceeding 3 days before the special agent transitions to a position described in clause (i)(I)(dd); or

''(III) the service occurs after the affected special agent is transferred to a supervisory or administrative position related to the activities of the former covered position of the affected special agent.

''(iii) In accordance with procedures established by the Secretary, an affected special agent may file an election to have any creditable service performed by the affected special agent treated in accordance with this subchapter, without regard to clause (ii).''.

(5) IMPLEMENTATION.—

(A) OFFICE OF PERSONNEL MANAGEMENT.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall promulgate regulations to carry out the amendments made by paragraphs (1) and (2).

(B) CIA EMPLOYEES.—The Director of the Central Intelligence Agency shall promulgate regulations to carry out the amendment made by subsection (c).

(C) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—The Secretary of State shall promulgate regulations to carry out the amendment made by paragraph (4).

(D) AGENCY CERTIFICATION.—The regulations promulgated to carry out the amendments made by this section shall include a requirement that the head of the agency at which an affected individual, affected employee, or affected special agent (as the case may be) incurred the applicable illness or injury certifies that such illness or injury—

(i) was incurred in the course of performing official duties; and

(ii) permanently precludes the affected individual, affected employee, or affected special agent from rendering useful and efficient service in the covered position but would not preclude the affected individual, affected employee, or affected special agent from continuing to serve in the Federal service.

(E) AGENCY REAPPOINTMENT.—The regulations promulgated to carry out the amendments made by this section shall ensure that, to the greatest extent possible, the head of each agency appoints an affected individual, affected employee, or affected special agent to a supervisory or administrative position related to the activities of the former covered position of the affected individual, affected employee, or affected special agent.

(F) TREATMENT OF SERVICE.—The regulations promulgated to carry out the amendments made by this section shall ensure that the creditable service of an affected individual, affected employee, or affected special agent (as the case may be) that is not in a covered position pursuant to an election made under such amendments shall be treated as the same type of service as the covered position in which the affected individual, affected employee, or affected special agent suffered the qualifying illness or injury.

(6) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section—

(A) shall take effect on the date of enactment of this Act; and

(B) shall apply to an individual who suffers an illness or injury described in section 8336(c)(3)(A)(i)(II) or section 8412(d)(2)(A)(i)(II) of title 5, United States Code, as amended by this subsection, section 302(d)(1)(A)(ii) of the Central Intelligence Agency Retirement Act, as amended by this subsection, or section 806(a)(6)(D)(i)(I)(bb) of the Foreign Service Act of 1980, as amended by this subsection, on or after the date that is 2 years after the date of enactment of this Act.

SA 6185. Mr. TESTER (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 in title X, insert the following:

SEC. ___. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) INDIAN VETERANS HOUSING RENTAL ASSISTANCE PROGRAM.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) ELIGIBLE INDIAN VETERAN.—The term 'eligible Indian veteran' means an Indian veteran who is—

''(aa) homeless or at risk of homelessness; and

''(bb) living—

''(AA) on or near a reservation; or

''(BB) in or near any other Indian area.

''(II) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

''(III) INDIAN; INDIAN AREA.—The terms 'Indian' and 'Indian area' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(IV) INDIAN VETERAN.—The term 'Indian veteran' means an Indian who is a veteran.

''(V) PROGRAM.—The term 'Program' means the Tribal HUD–VASH program carried out under clause (ii).

''(VI) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(ii) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a

rental assistance and supported housing program, to be known as the 'Tribal HUD–VASH program', in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

''(iii) MODEL.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administration in conjunction with the Secretary of Veterans Affairs.

''(II) EXCEPTIONS.—

''(aa) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(bb) SECRETARY OF VETERANS AFFAIRS.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary of Veterans Affairs may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(iv) ELIGIBLE RECIPIENTS.—The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

''(v) FUNDING CRITERIA.—The Secretary shall award grants under the Program based on—

''(I) need;

''(II) administrative capacity; and

''(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

''(vi) ADMINISTRATION.—Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall—

''(I) submit to the Secretary, in a manner prescribed by the Secretary, reports on the utilization of rental assistance provided under the Program; and

''(II) provide to the Secretary information specified by the Secretary to assess the effectiveness of the Program in serving eligible Indian veterans.

''(vii) CONSULTATION.—

''(I) GRANT RECIPIENTS; TRIBAL ORGANIZATIONS.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with eligible recipients and any other appropriate tribal organization on the design of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

''(II) INDIAN HEALTH SERVICE.—The Director of the Indian Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

''(viii) WAIVER.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

''(II) EXCEPTION.—The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

''(ix) RENEWAL GRANTS.—The Secretary may—

''(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

''(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

''(x) REPORTING.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of the National Defense Authorization Act for Fiscal Year 2023, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

''(aa) conduct a review of the implementation of the Program, including any factors that may have limited its success; and

''(bb) submit a report describing the results of the review under item (aa) to—

''(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans' Affairs, and the Committee on Appropriations of the Senate; and

''(BB) the Subcommittee for Indigenous Peoples of the United States of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans' Affairs, and the Committee on Appropriations of the House of Representatives.

''(II) ANALYSIS OF HOUSING STOCK LIMITATION.—The Secretary shall include in the initial report submitted under subclause (I) a description of—

''(aa) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

''(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

''(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.''.

SA 6186. Mr. TESTER (for himself, Mr. GRASSLEY, and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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 DESCRIPTION OF INTEREST FOR PURPOSES OF CERTAIN DISTRIBUTIONS OF ANTIDUMPING DUTIES AND COUNTERVAILING DUTIES.

Section 605(c)(1) of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4401(c)(1)) is amended by striking ''October 1, 2014'' and inserting ''October 1, 2000''.

SA 6187. 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. ____. MARTHA WRIGHT-REED JUST AND REASONABLE COMMUNICATIONS ACT OF 2021.

(a) SHORT TITLE.—This section may be cited as the ''Martha Wright-Reed Just and Reasonable Communications Act of 2021''.

(b) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 276 of the Communications Act of 1934 (47 U.S.C. 276) is amended—

(A) in subsection (b)(1)(A)—

(i) by striking ''per call'';

(ii) by inserting '', and all rates and charges are just and reasonable,'' after ''fairly compensated'';

(iii) by striking ''each and every'';

(iv) by striking ''call using'' and inserting ''communications using''; and

(v) by inserting ''or other calling device'' after ''payphone''; and

(B) in subsection (d), by inserting ''and advanced communications services described in subparagraphs (A), (B), (D), and (E) of section 3(1)'' after ''inmate telephone service''.

(2) DEFINITION OF ADVANCED COMMUNICATIONS SERVICES.—Section 3(1) of the Communications Act of 1934 (47 U.S.C. 153(1)) is amended—

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

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

(C) by adding at the end the following:

''(E) any audio or video communications service used by inmates for the purpose of communicating with individuals outside the correctional institution where the inmate is held, regardless of technology used.''.

(3) APPLICATION OF THE ACT.—Section 2(b) of the Communications Act of 1934 (47 U.S.C. 152(b)) is amended by inserting ''section 276,'' after ''sections 223 through 227, inclusive,''.

(c) IMPLEMENTATION.—

(1) RULEMAKING.—Not earlier than 18 months and not later than 24 months after the date of enactment of this Act, the Federal Communications Commission shall promulgate any regulations necessary to implement this section and the amendments made by this section.

(2) USE OF DATA.—In implementing this section and the amendments made by this section, including by promulgating regulations under subsection (a) and determining just and reasonable rates, the Federal Communications Commission—

(A) may use industry-wide average costs of telephone service and advanced communications services and the average costs of service of a communications service provider; and

(B) shall consider costs associated with any safety and security measures necessary to provide a service described in subparagraph (A) and differences in the costs described in subparagraph (A) by small, medium, or large facilities or other characteristics.

(d) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to modify or affect any Federal, State, or local law to require telephone service or advanced communications services at a State or local prison, jail, or detention facility or prohibit the implementation of any safety and security measures related to such services at such facilities.

SA 6188. 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 G of title X, add the following:

SEC. 1077. DESIGNATION OF COLONEL MARY LOUISE RASMUSON CAMPUS OF THE ALASKA VA HEALTHCARE SYSTEM.

(a) FINDINGS.—Congress finds the following:

(1) Mary Louise (Milligan) Rasmuson was born April 11, 1911, in East Pittsburgh, Pennsylvania.

(2) Mary Louise received a Bachelor of Science degree from the Carnegie Institute of Technology and a Master of Education degree from the University of Pittsburgh.

(3) Mary Louise was one of the first two women to receive an Honorary Doctorate of Laws degree from the Carnegie Institute of Technology.

(4) In 1942, Mary Louise joined the Women's Army Auxiliary Corps as a Private and was in the first graduating class.

(5) Mary Louise worked up the ranks, and in 1957, President Dwight Eisenhower appointed Mary Louise as the Fifth Director of the Women's Army Corps and she was reappointed to this position by President John F. Kennedy in 1961.

(6) In 1962, Colonel Rasmuson retired from the Army.

(7) Colonel Rasmuson was recognized for her outstanding service in the Women's Army Corps with the Legion of Merit award with two Oak Leaf Clusters for her work in expanding the roles and duties of women in the Army, as well as her role in integrating Black women in the Women's Army Corps.

(8) Colonel Rasmuson became Director of the Women's Army Corps during tumultuous times and is credited with enhancing the image and recruitment of women into the Women's Army Corps during her years as the Director.

(9) Colonel Rasmuson expanded opportunities for women to serve in assignments previously reserved only for men, starting with the assignments of 12 enlisted women into the First Missile Master Unit at Fort Meade, Maryland.

(10) Colonel Rasmuson was instrumental in enabling women to be promoted above the grade of E–7 into the highest enlisted ranks of the Army, E–8 and E–9.

(11) During her time in the Women's Army Corps, Colonel Rasmuson was the guiding force behind the Army opening up the college enlistment option to women under the self-enhancement programs and witnessed the first female enlisted member attend college under those programs.

(12) The career of Colonel Rasmuson also laid the groundwork for women to be fully integrated into the United States Army when the Women's Army Corps was disbanded in 1978.

(13) In 1961, Mary Louise married a prominent leader in Alaska, Elmer E. Rasmuson, and she was the first Director of the Women's Army Corps to be married while serving in that position.

(14) After her retirement from military service in 1962, Mary Louise moved to Alaska where she continued her leadership as a veteran in her community in Alaska.

(15) Mary Louise served as First Lady of Anchorage after the devastating magnitude 9.2 earthquake in 1964, after her husband, Elmer, was elected as mayor, serving from 1964 to 1967.

(16) Mary Louise was an advocate of social justice, education, and the arts during her 45 years of work on the Board of the Rasmuson Foundation.

(17) Mary Louise served as the Honorary Chair and was a major founder to renovate the Anchorage Veterans Memorial on the Delaney Parkstrip in downtown Anchorage.

(18) Mary Louise also contributed to the Army Women's Museum, the National Museum of the American Indian, and the National Museum of the United States Army.

(19) Mary Louise was the Chair of the Anchorage Museum Foundation and helped establish the museum in Anchorage, serving as its Chair for 21 years.

(20) On July 30, 2012, Mary Louise died at her home in Anchorage, at the age of 101, but her legacy of character and leadership will endure as an example to all who serve in the United States military.

(b) DESIGNATION.—The medical center of the Department of Veterans Affairs in Anchorage, Alaska, shall, after the date of the enactment of this Act, be known and designated as the ''Colonel Mary Louise Rasmuson Campus of the Alaska VA Healthcare System''.

(c) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the medical center referred to in subsection (b) shall be considered to be a reference to the Colonel Mary Louise Rasmuson Campus of the Alaska VA Healthcare System.

SA 6189. 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 G of title X, add the following:

SEC. 1077. PILOT PROGRAM ON HIRING VETERANS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs (in this section referred to as the ''Secretaries''), shall establish a pilot program that—

(1) facilitates the transition of members of the Armed Forces from service in the Armed Forces to workforce development programs that lead to employment; and

(2) aims to decrease the rate of suicide among veterans.

(b) AUTHORIZED WORKFORCE DEVELOPMENT PROGRAMS.—In implementing the pilot program, the Secretaries shall utilize the SkillBridge program of the Department of Defense, the Army Career Skills program, registered apprenticeship programs, industry-recognized apprenticeship programs, internships, and any other type of workforce development program that the Secretaries consider appropriate.

(c) LOCATION.—The Secretaries shall conduct the pilot program in two different States, including the State with the highest number of veterans per capita.

(d) PARTNERSHIP.—If, in the States in which the pilot program is being conducted, there exist veteran-run organizations that assist members of the Armed Forces transitioning from service in the Armed Forces, the Secretaries shall partner with those organizations in carrying out the pilot program.

(e) DURATION.—The pilot program shall be carried out for a three-year period.

(f) REPORT.—

(1) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the duration of the pilot program, the Secretaries shall jointly submit to the congressional defense committees a report that details—

(A) the number of veterans who have been placed into full-time, permanent employment as a result of the pilot program;

(B) the number of veterans who started, but did not finish, a workforce development program under the pilot program;

(C) the types of workforce development programs utilized in the pilot program;

(D) the success of the pilot program;

(E) the costs of implementing the pilot program; and

(F) the partner organizations that were utilized in carrying out the pilot program.

(2) FINAL REPORT.—

(A) RECOMMENDATION.—In the final report submitted under paragraph (1), the Secretaries shall make a recommendation on whether or not to extend the pilot program into a permanent program.

(B) COSTS.—The Secretaries shall include in the final report submitted under paragraph (1) the costs of and resources needed to extend the pilot program into a permanent program.

(g) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2023 through 2025.

SA 6190. 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 appropriate place, insert the following:

SEC. _____. CERTAIN AMOUNTS TREATED AS EARNED INCOME FOR KIDDIE TAX.

(a) IN GENERAL.—Section 1(g)(4)(C) of the Internal Revenue Code of 1986 is amended to read as follows:

''(C) TREATMENT OF CERTAIN AMOUNTS AS EARNED INCOME.—For purposes of this subsection, each of the following amounts shall be treated as earned income of the child referred to in paragraph (1) to the extent included in the gross income of such child:

''(i) DISTRIBUTIONS FROM QUALIFIED DISABILITY TRUSTS.—Any amount included in

the gross income of such child under section 652 or 662 by reason of being a beneficiary of a qualified disability trust (as defined in section 642(b)(2)(C)(ii)).

''(ii) CERTAIN INDIAN TRIBAL PAYMENTS.—Any payment which is included in the gross income of such child and made by an Indian tribal government (as defined in section 139E(c)(1)), or from a trust of which the Indian tribal government is treated as the owner under subpart E of part I of subchapter J, to or for the benefit of such child if—

''(I) such child or a family member (within the meaning of section 267(c)(4)) is an enrolled member of the tribe with respect to such Indian tribal government, and

''(II) such payment is made by reason of such enrollment.

''(iii) CERTAIN PAYMENTS FROM NATIVE CORPORATIONS OR SETTLEMENT TRUSTS.—Any payment which is included in the gross income of such child and—

''(I) made by a Native corporation (as defined in section 646(h)(2)) to or for the benefit of such child if such child or a family member (within the meaning of section 267(c)(4)) has an equity interest in the Native corporation, or

''(II) made by a Settlement Trust (as defined in section 646(h)(4)) to or for the benefit of such child if such child or a family member (within the meaning of section 267(c)(4)) has a beneficial interest in such Settlement Trust.

''(iv) ALASKA PERMANENT FUND DIVIDENDS.—The amount of any Alaska Permanent Fund dividend which is included in the gross income of such child.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SA 6191. Mr. TILLIS (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 B of title V, add the following:

SEC. 517. REQUIREMENT TO IMPLEMENT PREVIOUSLY AUTHORIZED PILOT PROGRAMS TO PROVIDE FLIGHT TRAINING IN CONNECTION WITH SROTC UNITS AND CSPI PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS.

Section 519(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 2101 note) is amended by striking ''may carry out'' and inserting ''shall carry out''.

SA 6192. 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 VII, add the following:

SEC. 706. TRANSITIONAL HEALTH BENEFITS: REQUIREMENTS RELATING TO MENTAL HEALTH AND SUICIDE PREVENTION.

(a) MENTAL HEALTH EXAMINATION REQUIRED.—Paragraph (5) of section 1145(a) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''physical examination and a mental health assessment'' and inserting ''comprehensive separation health examination and a comprehensive mental health examination'';

(B) by striking ''The physical examination'' and inserting ''Such examinations''; and

(C) by adding at the end the following new sentence: ''If the Secretary concerned is unable to furnish the examinations required under this subparagraph at a military medical treatment facility, the Secretary concerned shall furnish such examinations at a civilian facility or through the Reserve Health Readiness Program of the Department of Defense, or such successor program.'';

(2) in subparagraph (B), by striking ''physical examination'' and inserting ''comprehensive separation health examination'' each place it appears;

(3) in subparagraph (C), in the matter preceding clause (i), by striking ''physical examination'' and inserting ''comprehensive separation health examination''; and

(4) in subparagraph (D), by striking ''physical examination and mental health assessment'' and inserting ''comprehensive separation health examination and comprehensive mental health examination''.

(b) FOLLOW UP TREATMENT.—Paragraph (6) of such section is amended—

(1) in subparagraph (A)—

(A) by striking ''medical examination'' and inserting ''a comprehensive separation health examination or a comprehensive mental health examination''; and

(B) by striking ''for a referral'' and all that follows through the period at the end and inserting the following: ''that a referral for follow up treatment is recommended.''; and

(2) by adding at the end the following:

''(C) The Secretary concerned shall—

''(i) update the electronic health record maintained by the Secretary concerned for a member of the armed forces to include the results of the comprehensive separation health examination and comprehensive mental health examination furnished to the member pursuant to paragraph (5); and

''(ii) share with the Secretary of Veterans Affairs information regarding the results specified in clause (i), and the results of any action taken pursuant to subparagraph (A), with respect to a member of the armed forces, to ensure that the member may schedule any necessary appointment for follow up mental health treatment after enrolling in the health care system of the Department of Veterans Affairs specified in subparagraph (B)(iii), as applicable.''.

(c) PREDICTIVE ANALYTICS.—Such section is further amended by adding at the end the following new paragraph:

''(8)(A) The Secretary concerned, in collaboration with the Secretary of Veterans Affairs, shall develop a predictive analytics model to be used as a suicide prevention measure for members of the armed forces entitled to health care benefits under this section or the laws administered by the Secretary of Veterans Affairs. Such model shall take into account data from—

''(i) the comprehensive separation health examinations and comprehensive mental health examinations furnished pursuant to paragraph (5); and

''(ii) such other necessary data sources and variables as may be jointly identified by the Secretary concerned and the Secretary of Veterans Affairs.

''(B) Following the comprehensive separation health examination and comprehensive mental health examination of a member of the armed forces pursuant to paragraph (5), the Secretary concerned shall, using the model developed under subparagraph (A)—

''(i) analyze data from the electronic health record of the member (as updated pursuant to paragraph (6)(C)) to identify whether the member is at a statistically elevated risk for suicide, hospitalization, illness, or other adverse health outcomes, and to provide preemptive care and support for the member prior to the member having, or expressing to a qualified mental health provider, suicidal thoughts;

''(ii) for any member so identified, indicate such identification in the electronic health record of the member;

''(iii) ensure any member so identified is contacted to initiate a plan for mental health care; and

''(iv) provide to the Secretary of Veterans Affairs an analysis of the members so identified.''.

(d) DEFINITIONS.—Section 1145(e) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''DEFINITION'' and inserting ''DEFINITIONS'';

(2) by striking ''section, the term'' and inserting the following: ''section:

''(1) The term'''; and

(3) by adding at the end the following new paragraphs:

''(2) The term 'comprehensive separation health examination' means a questionnaire, jointly developed and used by the Secretary of Defense and the Secretary of Veterans Affairs, for all body systems, to evaluate whether a member of the armed forces may have a physical illness or disability.

''(3) The term 'comprehensive mental health examination' means a questionnaire, jointly developed by the Secretary of Defense and the Secretary of Veterans Affairs, and administered by a qualified mental health provider, to evaluate whether a member of the armed forces—

''(A) has a mental health disorder; or

''(B) is experiencing suicide ideation.

''(4) The term 'qualified mental health provider' means—

''(A) a board certified or board eligible psychiatrist;

''(B) a licensed psychologist with a doctoral degree from an accredited graduate program in psychology;

''(C) a mental health provider with a doctoral degree from an accredited graduate program in a field relating to mental health, acting under the general supervision of an individual specified in subparagraph (A) or (B);

''(D) a student in an accredited graduate program in psychiatry completing a residency, acting under the close and direct supervision of an individual specified in subparagraph (A) or (B); or

''(E) a student in an accredited graduate program in clinical or counseling psychology completing a one-year internship or residency (for the purpose of obtaining a doctoral degree from such program), acting under the close and direct supervision of an individual specified in subparagraph (A) or (B).''.

SA 6193. 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 end of subtitle C of title XII, add the following:

SEC. 1239. SUPPORT FOR ACCESSION OF SWEDEN AND FINLAND TO NATO.

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

(1) North Atlantic Treaty Organization (NATO) ambassadors signed the Accession Protocols for Finland and Sweden on July 5, 2022.

(2) The Senate agreed to the resolution of advice and consent to ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Finland and the Kingdom of Sweden (Treaty Doc. 117–3) on August 3, 2022.

(3) The accession of Finland and Sweden to NATO will strengthen the capabilities, geostrategic position, and deterrence posture of the alliance in the Baltic Sea region and the North Atlantic from that day forward.

(4) The accession of Finland and Sweden to NATO will reduce each current member nation's respective burden share as a percentage of the total alliance's deterrence and defense posture.

(b) SENSE OF CONGRESS.—Congress, in accordance with its support for NATO's collective security commitment and for maximizing the combined defense capabilities of United States allies and partners through NATO coordination and cooperation, and with anticipation for the accession of Finland and Sweden to the alliance—

(1) recognizes the steps taken by the United States to build upon years of joint and multilateral engagement, training, and exercises; and

(2) encourages the President to further advance the efforts of the United States with respect to—

(A) enhancing the interoperability of the militaries of Finland and Sweden with the United States, including via—

(i) exercises and training across all domains, including a focus on critical capabilities such as—

(I) command, control, and communications;

(II) logistics;

(III) planning; and

(IV) integrated and resilient operations across Northern Europe and the Arctic;

(ii) bomber task forces;

(iii) freedom of navigation operations in the territorial waters of these nations and of NATO allies in the Baltic Sea;

(iv) personnel and professional military education program exchanges;

(v) United States foreign military sales;

(vi) joint development of emerging technologies, including cybersecurity and telecommunications components; and

(vii) coordination on critical infrastructure, including dual-use infrastructure such as telecommunications infrastructure and port facilities;

(B) trilateral cooperation between Finland and Sweden with the United States, including the military activities described in clauses (i) through (vii) of subparagraph (A) and through the trilateral statement of intent signed by all three nations in 2018;

(C) multilateral interoperability between Finland, Sweden, and all NATO partners, including military activities described in clauses (i) through (vii) of subparagraph (A); and

(D) countering disinformation campaigns that seek to diminish the relevancy and cohesion of NATO or otherwise undermine or delay the collective accession process of NATO members; and

(3) calls on all NATO members to take similar, respective actions as provided in paragraph (2) to further advance the interoperability of the militaries of Finland and Sweden with NATO forces and bolster European security, in conjunction with the rapid completion of their respective ratification processes.

SA 6194. 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 XII, add the following:

SEC. 1254. CONSULTATIONS ON REUNITING KOREAN AMERICANS WITH FAMILY MEMBERS IN NORTH KOREA.

(a) CONSULTATIONS.—

(1) CONSULTATIONS WITH SOUTH KOREA.—The Secretary of State, or a designee of the Secretary, should consult with officials of South Korea, as appropriate, on potential opportunities to reunite Korean American families with family members in North Korea from which such Korean American families were divided after the signing of the Korean War Armistice Agreement, including potential opportunities for video reunions for Korean Americans with such family members.

(2) CONSULTATIONS WITH KOREAN AMERICANS.—The Special Envoy for North Korean Human Rights Issues of the Department of State should regularly consult with representatives of Korean Americans who have family members in North Korea with respect to efforts to reunite families divided after the signing of the Korean War Armistice Agreement, including potential opportunities for video reunions for Korean Americans with such family members.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, acting through the Special Envoy for North Korean Human Rights Issues, shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the consultations conducted pursuant to subsection (a) during the preceding year.

SA 6195. Mr. VAN HOLLEN (for himself, Mr. SCOTT of South Carolina, Mr. WARNOCK, Ms. LUMMIS, Mr. CASEY, Ms. COLLINS, 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. ___. GRANTS TO ELIGIBLE ENTITIES FOR ENHANCED PROTECTION OF SENIOR INVESTORS AND SENIOR POLICYHOLDERS.

(a) IN GENERAL.—Section 989A of the Investor Protection and Securities Reform Act of 2010 (15 U.S.C. 5537) is amended to read as follows:

"SEC. 989A. GRANTS TO ELIGIBLE ENTITIES FOR ENHANCED PROTECTION OF SENIOR INVESTORS AND SENIOR POLICYHOLDERS.

''(a) DEFINITIONS.—In this section:

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

''(A) the securities commission (or any agency or office performing like functions) of any State; and

''(B) the insurance department (or any agency or office performing like functions) of any State.

''(2) SENIOR.—The term 'senior' means any individual who has attained the age of 62 years or older.

''(3) SENIOR FINANCIAL FRAUD.—The term 'senior financial fraud' means a fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or a fiduciary, that—

''(A) uses the resources of a senior for monetary or personal benefit, profit, or gain;

''(B) results in depriving a senior of rightful access to or use of benefits, resources, belongings, or assets; or

''(C) is an action described in section 1348 of title 18, United States Code, that is taken against a senior.

''(4) TASK FORCE.—The term 'task force' means the task force established under subsection (b)(1).

''(b) GRANT PROGRAM.—

''(1) TASK FORCE.—

''(A) IN GENERAL.—The Commission shall establish a task force to carry out the grant program under paragraph (2).

''(B) MEMBERSHIP.—The task force shall consist of the following members:

''(i) A Chair of the task force, who—

''(I) shall be appointed by the Chairman of the Commission, in consultation with the Commissioners of the Commission; and

''(II) may be a representative of the Office of the Investor Advocate of the Commission, the Division of Enforcement of the Commission, or such other representative as the Commission determines appropriate.

''(ii) If the Chair is not a representative of the Office of the Investor Advocate of the Commission, a representative of such Office.

''(iii) If the Chair is not a representative of the Division of Enforcement of the Commission, a representative of such Division.

''(iv) Such other representatives as the Commission determines appropriate.

''(C) DETAIL OF EXECUTIVE AGENCY EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that Federal agency to the Commission to assist it in carrying out its functions under this section. The detail of any such personnel shall be without interruption or loss of civil service status or privilege.

''(2) GRANTS.—The task force shall carry out a program under which the task force shall make grants, on a competitive basis, to eligible entities, which—

''(A) may use the grant funds—

''(i) to hire staff to identify, investigate, and prosecute (through civil, administrative, or criminal enforcement actions) cases involving senior financial fraud;

''(ii) to fund technology, equipment, and training for regulators, prosecutors, and law enforcement officers, in order to identify, investigate, and prosecute cases involving senior financial fraud;

''(iii) to provide educational materials and training to seniors to increase awareness and understanding of senior financial fraud;

''(iv) to develop comprehensive plans to combat senior financial fraud; and

''(v) to enhance provisions of State law to provide protection from senior financial fraud; and

''(B) may not use the grant funds for any indirect expense, such as rent, utilities, or any other general administrative cost that is not directly related to the purpose of the grant program.

''(3) AUTHORITY OF TASK FORCE.—In carrying out paragraph (2), the task force—

''(A) may consult with staff of the Commission; and

''(B) shall make public all actions of the task force relating to carrying out that paragraph.

''(c) APPLICATIONS.—An eligible entity desiring a grant under this section shall submit an application to the task force, in such form and in such a manner as the task force may determine, that includes—

''(1) a proposal for activities to protect seniors from senior financial fraud that are proposed to be funded using a grant under this section, including—

''(A) an identification of the scope of the problem of senior financial fraud in the applicable State;

''(B) a description of how the proposed activities would—

''(i) protect seniors from senior financial fraud, including by proactively identifying victims of senior financial fraud;

''(ii) assist in the investigation and prosecution of those committing senior financial fraud; and

''(iii) discourage and reduce cases of senior financial fraud; and

''(C) a description of how the proposed activities would be coordinated with other State efforts; and

''(2) any other information that the task force determines appropriate.

''(d) PERFORMANCE OBJECTIVES; REPORTING REQUIREMENTS; AUDITS.—

''(1) IN GENERAL.—The task force—

''(A) may establish such performance objectives and reporting requirements for eligible entities receiving a grant under this section as the task force determines are necessary to carry out and assess the effectiveness of the program under this section; and

''(B) shall require each eligible entity that receives a grant under this section to submit to the task force a detailed accounting of the use of grant funds, which shall be submitted at such time, in such form, and containing such information as the task force may require.

''(2) REPORT.—Not later than 2 years, and again not later than 5 years, after the date of the enactment of the Empowering States to Protect Seniors from Bad Actors Act, the task force 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—

''(A) specifies each recipient of a grant under this section;

''(B) includes a description of the programs that are supported by each such grant; and

''(C) includes an evaluation by the task force of the effectiveness of such grants.

''(3) AUDITS.—The task force shall annually conduct an audit of the program under this section to ensure that eligible entities to which grants are made under that program are, for the year covered by the audit, using grant funds for the intended purposes of those funds.

''(e) MAXIMUM AMOUNT.—The amount of a grant to an eligible entity under this section may not exceed $500,000, which the task force shall adjust annually to reflect the percentage change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(f) SUBGRANTS.—An eligible entity that receives a grant under this section may, in consultation with the task force, make a subgrant, as the eligible entity determines is necessary or appropriate—

''(1) to carry out the activities described in subsection (b)(2)(A); and

''(2) which may not be used for any activity described in subsection (b)(2)(B).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2023 through 2028.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 1376) is amended by striking the item relating to section 989A and inserting the following:

''Sec. 989A. Grants to eligible entities for enhanced protection of senior investors and senior policyholders.''.

SA 6196. Mr. VAN HOLLEN (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 end of subtitle C of title XII, add the following:

SEC. 1239. ESTABLISHMENT AND ENFORCEMENT OF PRICE CAP ON EXPORTS OF PETROLEUM AND PETROLEUM PRODUCTS FROM THE RUSSIAN FEDERATION.

(a) PRICE CAP ON RUSSIAN PETROLEUM AND PETROLEUM PRODUCTS.—

(1) ESTABLISHMENT OF PRICE CAP.—

(A) IN GENERAL.—Not later than March 30, 2023, the President shall, in consultation with the governments of countries that are allies and partners of the United States, establish a cap on the price of seaborne petroleum and petroleum products exported from the Russian Federation.

(B) REDUCTIONS IN PRICE CAP.—The President shall reduce the price cap established under subparagraph (A) not less frequently than once each year, on or before March 30, 2024, March 30, 2025, and March 30, 2026, in a manner that ensures that, by March 30, 2026, the cap is low enough to prevent the Russian Federation from making a profit on exports of seaborne petroleum and petroleum products.

(2) SUSPENSION OF PRICE CAP REDUCTION.—For any year for which the President is required under subparagraph (B) of paragraph (1) to reduce the cap established under subparagraph (A) of that paragraph, the President may suspend the requirement to reduce the cap if—

(A) the President—

(i) determines that the suspension is necessary to prevent an unacceptable increase in the global price of petroleum; and

(ii) not less than 30 days before the suspension is to take effect, submits to the appropriate congressional committees a report on the suspension that includes an explanation of the basis for the suspension; and

(B) a joint resolution of disapproval is not enacted into law under subsection (d) during the 30-day period referred to in subparagraph (A)(ii).

(3) IMPOSITION OF SANCTIONS TO ENFORCE PRICE CAP.—The President shall impose one of the sanctions described in subsection (b) with respect to any foreign person that, on or after March 30, 2023, knowingly imports, brokers, insures, reinsures, or finances the sale of seaborne petroleum or petroleum products exported from the Russian Federation at a price that is higher than the price cap in effect under paragraph (1).

(b) SANCTIONS DESCRIBED.—The sanctions that may be imposed with respect to a foreign person under subsection (a) are the following:

(1) PROPERTY BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) PROHIBITION ON CORRESPONDENT AND PAYABLE-THROUGH ACCOUNTS.—A prohibition on the opening or maintaining in the United States of a correspondent account or a payable-through account by the foreign person.

(c) NATIONAL INTEREST WAIVER.—The President may waive the imposition of sanctions under this section with respect to a foreign person if—

(1) the President—

(A) determines the waiver in the national interests of the United States; and

(B) not less than 30 days before the waiver is to take effect, submits to the appropriate congressional committees a report on the waiver that includes an explanation of the basis for the waiver; and

(2) a joint resolution of disapproval is not enacted into law under subsection (d) during the 30-day period referred to in paragraph (1)(B).

(d) JOINT RESOLUTIONS OF DISAPPROVAL.—

(1) DEFINITION.—In this subsection, the term ''joint resolution of disapproval'' means—

(A) in the case of a joint resolution of disapproval referred to in subsection (a)(2)(B), a joint resolution of either House of Congress the sole matter after the resolving clause of which is the following: ''Congress disapproves of the suspension of the requirement to reduce the price cap established under subsection (a) of section 1239 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 proposed by the President in the report submitted to Congress under paragraph (2)(A)(ii) of that subsection on _____.'', with the blank space being filled with the appropriate date; and

(B) in the case of a joint resolution of disapproval referred to in subsection (c)(2), a joint resolution of either House of Congress the sole matter after the resolving clause of which is the following: ''Congress disapproves of the waiver of the imposition of sanctions under subsection (c) of section 1239 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 proposed by the President in the report submitted to Congress under paragraph (1)(B) of that subsection on _____ relating to _____'', with the

first blank space being filled with the appropriate date and the second blank space being filled with the name of the person to which the waiver would apply; and

(2) INTRODUCTION.—During the 30-day period referred to in subsection (a)(2)(B) or (c)(2), as the case may be, a joint resolution of disapproval may be introduced—

(A) in the House of Representatives, by the majority leader or the minority leader; and

(B) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(3) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—If a committee of the House of Representatives to which a joint resolution of disapproval has been referred has not reported the joint resolution within 10 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(4) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—A joint resolution of disapproval introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs.

(B) REPORTING AND DISCHARGE.—If the Committee on Banking, Housing, and Urban Affairs has not reported the joint resolution within 10 calendar days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Banking, Housing, and Urban Affairs reports a joint resolution of disapproval to the Senate or has been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move 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 not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution of disapproval shall be decided without debate.

(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a joint resolution of disapproval, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) TREATMENT OF SENATE JOINT RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a joint resolution of disapproval received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

(i) The joint resolution shall be referred to the appropriate committees.

(ii) If a committee to which a joint resolution has been referred has not reported the joint resolution within 2 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(iii) Beginning on the third legislative day after each committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. 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.

(iv) The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate 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.

(B) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—

(i) RECEIPT BEFORE PASSAGE.—If, before the passage by the Senate of a joint resolution of disapproval, the Senate receives an identical joint resolution from the House of Representatives, the following procedures shall apply:

(I) That joint resolution shall not be referred to a committee.

(II) With respect to that joint resolution—

(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the joint resolution from the House of Representatives.

(ii) RECEIPT AFTER PASSAGE.—If, following passage of a joint resolution of disapproval in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

(iii) NO COMPANION MEASURE.—If a joint resolution of disapproval is received from the House, and no companion joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the House joint resolution.

(C) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to a joint resolution of disapproval that is a revenue measure.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) 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

(B) 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.

(e) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(f) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE AND LAW ENFORCEMENT ACTIVITIES.—This section shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence or law enforcement activities of the United States.

(2) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority or a requirement to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(g) TERMINATION.—This section and the requirements to impose sanctions under this section shall terminate on the earlier of—

(1) the date that is 7 years after the date of the enactment of this Act; or

(2) the date on which the President submits to the appropriate congressional committees a certification that—

(A) the Government of Ukraine has reached a diplomatic agreement with the Government of the Russian Federation that is supported by the United States to provide for the cessation of hostilities in Ukraine; and

(B) it is in the national security interests of the United States to terminate the requirements to impose sanctions under this Act.

(h) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

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

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

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

(3) FOREIGN PERSON.—The term ''foreign person'' means an individual or entity that is not a United States person.

(4) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person had actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(5) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SA 6197. 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:

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

SEC. 1077. RECAPTURING UNUSED IMMIGRANT VISAS FOR PROFESSIONAL NURSES AND PHYSICIANS.

(a) SHORT TITLE.—This section may be cited as the ''Healthcare Workforce Resilience Act''.

(b) IN GENERAL.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended to read as follows:

''(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

''(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding any other provision of law, the number of employment-based visas made available under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) shall be increased by the number calculated in paragraph (3).

''(2) LIMITATIONS.—

''(A) IN GENERAL.—Visas may only be made available under this subsection for up to 40,000 employment-based immigrants (and their family members accompanying or following to join under section 203(d) of such Act (8 U.S.C. 1153(d))) whose immigrant worker petitions were filed before the date that is 90 days after the termination of the President's declaration of a national emergency under sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.) pertaining to the COVID–19 outbreak in the United States (referred to in this subsection as the 'COVID–19 emergency declaration').

''(B) RESERVATIONS.—Of the visas authorized under subparagraph (A)—

''(i) 25,000 shall be reserved for professional nurses; and

''(ii) 15,000 shall be reserved for physicians.

''(C) EXEMPTION FROM COUNTRY CAPS.—Visas made available under this subsection—

''(i) shall not be subject to the per country numerical limitation set forth in section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)); and

''(ii) shall be issued in order of the priority date assigned at the time the visa petition was filed.

''(3) NUMBER AVAILABLE.—

''(A) UNUSED VISAS.—Subject to subparagraph (B), the number calculated in this paragraph is the difference between—

''(i) the total number of employment-based visas that were made available in fiscal years 1992 through 2020; and

''(ii) the total number of such visas that were used in such fiscal years.

''(B) REDUCTION AND LIMITATION.—The number described in subparagraph (A) shall be reduced, for each fiscal year following the first fiscal year in which the COVID–19 emergency declaration is in effect, by the cumulative number of immigrant visas used pursuant to paragraph (1).

''(C) FAMILY MEMBERS.—

''(i) IN GENERAL.—Family members described in section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)) who are accompanying or following to join a principal beneficiary seeking admission under this subsection shall be entitled to an unreserved visa in the same status and in the same order of consideration as such principal beneficiary.

''(ii) EXEMPT FROM SKILL-BASED NUMERICAL LIMITATION.—Visas described in clause (i)—

''(I) shall be made available from the pool of recaptured unused immigrant visas calculated under subparagraph (A); and

''(II) shall not be counted against the total number of immigrant visas reserved for professional nurses and physicians under paragraph (2).

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

''(4) PREMIUM PROCESSING; EXPEDITED PROCESSING.—

''(A) PREMIUM PROCESSING.—The Secretary of Homeland Security, in conjunction with the Secretary of State, shall provide premium processing procedures, as provided for under section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)), for reviewing and acting upon petitions and applications for immigrants described in paragraph (2). Notwithstanding such section, U.S. Citizenship and Immigration Services may not charge a premium fee for such services.

''(B) SHIPPING PETITIONS.—The Director of U.S. Citizenship and Immigration Services shall expedite the shipping of each petition described in subparagraph (A) requiring consular processing to the Department of State immediately after—

''(i) the completed petition has been resolved; and

''(ii) the petitioner has replied to any request from U.S. Citizenship and Immigration Services for additional evidence.

''(C) EXPEDITED PROCESSING.—The Secretary of State shall expedite the processing of applications for immigrants described in paragraph (2) after receiving a petition on behalf of such immigrants from U.S. Citizenship and Immigration Services.

''(5) LABOR ATTESTATION.—Before an immigrant visa reserved under paragraph (2)(B)(i) is issued to an alien, the petitioner shall attest, in the job offer letter presented by the alien to a consular officer during the consular interview, that the hiring of the alien has not displaced and will not displace a United States worker.''.

SA 6198. Mr. MANCHIN (for himself, Mr. BARRASSO, 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 in division C, insert the following:

SEC. 3____. U.S. NUCLEAR FUELS SECURITY INITIATIVE TO REDUCE RELIANCE ON NUCLEAR FUELS FROM RUSSIA AND CHINA.

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

(1) the United States and the allies of the United States need to eliminate reliance on the Russian Federation for energy fuels, including all forms of uranium;

(2) the Department should—

(A) prioritize activities to increase domestic production of low-enriched uranium; and

(B) accelerate efforts to establish a domestic high-assay, low-enriched uranium enrichment capability; and

(3) if domestic enrichment of high-assay, low-enriched uranium will not be commercially available at the scale needed in time to meet the needs of the advanced nuclear reactor demonstration projects of the Department, the Secretary shall consider and implement, as necessary—

(A) all viable options to make high-assay, low-enriched uranium produced from inventories owned by the Department available in a manner that is sufficient to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers, without impacting existing Department missions, until such time that commercial enrichment and deconversion capability for high-assay, low-enriched uranium exists at a scale sufficient to meet future needs; and

(B) all viable options for partnering with ally or partner nations to meet those needs and schedules until that time.

(b) OBJECTIVES.—The objectives of this section are—

(1) to expeditiously increase domestic production of low-enriched uranium to prevent the reliance of the United States and, to the maximum extent practicable, ally or partner nations on nuclear fuels from—

(A) the Russian Federation;

(B) the People's Republic of China; and

(C) other countries determined by the Secretary to be insecure supply sources with respect to low-enriched uranium;

(2) to expeditiously increase domestic production of high-assay, low-enriched uranium by an annual quantity, and in such form, determined by the Secretary to be sufficient to meet the needs of—

(A) advanced nuclear reactor developers; and

(B) the consortium;

(3) to ensure the availability of domestically produced, converted, and enriched uranium in a quantity determined by the Secretary, in consultation with U.S. nuclear energy companies, to be sufficient to address a reasonably anticipated supply disruption;

(4) to address gaps and deficiencies in the domestic production, conversion, enrichment, deconversion, and reduction of uranium by partnering with ally or partner nations if domestic options are not practicable;

(5) to ensure that, in the event of a supply disruption in the nuclear fuel market, a reserve of nuclear fuels is available to serve as a backup supply to support the nuclear nonproliferation and civil nuclear energy objectives of the Department;

(6) to support enrichment, deconversion, and reduction technology deployed in the United States; and

(7) to ensure that, until such time that domestic enrichment and deconversion of high-assay, low-enriched uranium is commercially available at the scale needed to meet the needs of advanced nuclear reactor developers, the Secretary considers and implements, as necessary—

(A) all viable options to make high-assay, low-enriched uranium produced from inventories owned by the Department available in a manner that is sufficient to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers; and

(B) all viable options for partnering with ally or partner nations to meet those needs and schedules.

(c) DEFINITIONS.—In this section:

(1) ADVANCED NUCLEAR REACTOR.—The term ''advanced nuclear reactor'' has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

(2) ALLY OR PARTNER NATION.—The term ''ally or partner nation'' means—

(A) the Government of any country that is a member of the Organisation for Economic Co-operation and Development;

(B) the Government of the Republic of India; and

(C) the Government of any country designated as an ally or partner nation by the Secretary for purposes of this section.

(3) ASSOCIATED ENTITY.—The term ''associated entity'' means an entity that—

(A) is owned, controlled, or dominated by—

(i) an ally or partner nation; or

(ii) an associated individual; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, a country described in any of subparagraphs (A) through (C) of paragraph (2), including a corporation that is incorporated in a country described in any of those subparagraphs.

(4) ASSOCIATED INDIVIDUAL.—The term ''associated individual'' means an alien who is a national of a country described in any of subparagraphs (A) through (C) of paragraph (2).

(5) CONSORTIUM.—The term ''consortium'' means the consortium established under section 2001(a)(2)(F) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2)(F)).

(6) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(7) HIGH-ASSAY, LOW-ENRICHED URANIUM; HALEU.—The term ''high-assay, low-enriched uranium'' or ''HALEU'' means high-assay low-enriched uranium (as defined in section 2001(d) of the Energy Act of 2020 (42 U.S.C. 16281(d))).

(8) LOW-ENRICHED URANIUM; LEU.—The term ''low-enriched uranium'' or ''LEU'' means each of—

(A) low-enriched uranium (as defined in section 3102 of the USEC Privatization Act (42 U.S.C. 2297h)); and

(B) low-enriched uranium (as defined in section 3112A(a) of that Act (42 U.S.C. 2297h–10a(a))).

(9) PROGRAMS.—The term ''Programs'' means—

(A) the Nuclear Fuel Security Program established under subsection (d)(1);

(B) the American Assured Fuel Supply Program of the Department; and

(C) the HALEU for Advanced Nuclear Reactor Demonstration Projects Program established under subsection (d)(3).

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(11) U.S. NUCLEAR ENERGY COMPANY.—The term ''U.S. nuclear energy company'' means a company that—

(A) is organized under the laws of, or otherwise subject to the jurisdiction of, the United States; and

(B) is involved in the nuclear energy industry.

(d) ESTABLISHMENT AND EXPANSION OF PROGRAMS.—The Secretary, consistent with the objectives described in subsection (b), shall—

(1) establish a program, to be known as the ''Nuclear Fuel Security Program'', to prevent the reliance of the United States and, to the maximum extent practicable, ally or partner nations on LEU and HALEU from the Russian Federation and the People's Republic of China by increasing the quantity of LEU and HALEU produced by U.S. nuclear energy companies;

(2) expand the American Assured Fuel Supply Program of the Department to ensure the availability of domestically produced, converted, and enriched uranium in the event of a supply disruption; and

(3) establish a program, to be known as the ''HALEU for Advanced Nuclear Reactor Demonstration Projects Program''—

(A) to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers until such time that commercial enrichment and deconversion capability for HALEU exists in the United States at a scale sufficient to meet future needs; and

(B) where practicable, to partner with ally or partner nations to meet those needs and schedules until that time.

(e) NUCLEAR FUEL SECURITY PROGRAM.—

(1) IN GENERAL.—In carrying out the Nuclear Fuel Security Program, the Secretary shall—

(A) not later than 180 days after the date of enactment of this Act, enter into 2 or more contracts to begin acquiring not less than 100 metric tons per year of LEU by December 31, 2026 (or the earliest operationally feasible date thereafter), to ensure diverse domestic uranium mining, conversion, enrichment, deconversion, and reduction capacity and technologies, including new capacity, among U.S. nuclear energy companies;

(B) not later than 180 days after the date of enactment of this Act, enter into 2 or more contracts with members of the consortium to begin acquiring not less than 20 metric tons per year of HALEU by December 31, 2027 (or the earliest operationally feasible date thereafter), from U.S. nuclear energy companies;

(C) utilize only uranium produced, converted, and enriched in—

(i) the United States; or

(ii) if domestic options are not practicable, a country described in any of subparagraphs (A) through (C) of subsection (c)(2);

(D) to the maximum extent practicable, ensure that the use of domestic uranium utilized as a result of that program does not negatively affect the economic operation of nuclear reactors in the United States; and

(E) take other actions that the Secretary determines to be necessary or appropriate to prevent the reliance of the United States and ally or partner nations on nuclear fuels from the Russian Federation and the People's Republic of China.

(2) CONSIDERATIONS.—In carrying out paragraph (1)(B), the Secretary shall consider and, if appropriate, implement—

(A) options to ensure the quickest availability of commercially enriched HALEU, including—

(i) partnerships between 2 or more commercial enrichers; and

(ii) utilization of up to 10-percent enriched uranium as feedstock in demonstration-scale or commercial HALEU enrichment facilities;

(B) options to partner with ally or partner nations to provide LEU and HALEU for commercial purposes;

(C) options that provide for an array of HALEU—

(i) enrichment levels;

(ii) output levels to meet demand; and

(iii) fuel forms, including uranium metal and oxide; and

(D) options—

(i) to replenish, as necessary, Department stockpiles of uranium that was intended to be downblended for other purposes, but was instead used in carrying out activities under the HALEU for Advanced Nuclear Reactor Demonstration Projects Program;

(ii) to continue supplying HALEU to meet the needs of the recipients of an award made pursuant to the funding opportunity announcement of the Department numbered DE–FOA–0002271 for Pathway 1, Advanced Reactor Demonstrations; and

(iii) to make HALEU available to other advanced nuclear reactor developers and other end-users.

(3) AVOIDANCE OF MARKET DISRUPTIONS.—In carrying out the Nuclear Fuel Security Program, the Secretary, to the extent practicable and consistent with the purposes of that program, shall not disrupt or replace market mechanisms by competing with U.S. nuclear energy companies.

(f) EXPANSION OF THE AMERICAN ASSURED FUEL SUPPLY PROGRAM.—The Secretary, in consultation with U.S. nuclear energy companies, shall—

(1) expand the American Assured Fuel Supply Program of the Department by merging the operations of the Uranium Reserve Program of the Department with the American Assured Fuel Supply Program; and

(2) in carrying out the American Assured Fuel Supply Program of the Department, as expanded under paragraph (1)—

(A) maintain, replenish, diversify, or increase the quantity of uranium made available by that program in a manner determined by the Secretary to be consistent with the purposes of that program and the objectives described in subsection (b);

(B) utilize only uranium produced, converted, and enriched in—

(i) the United States; or

(ii) if domestic options are not practicable, a country described in any of subparagraphs (A) through (C) of subsection (c)(2);

(C) make uranium available from the American Assured Fuel Supply, subject to terms and conditions determined by the Secretary to be reasonable and appropriate;

(D) refill and expand the supply of uranium in the American Assured Fuel Supply, including by maintaining a limited reserve of uranium to address a potential event in which a domestic or foreign recipient of uranium experiences a supply disruption for which uranium cannot be obtained through normal market mechanisms or under normal market conditions; and

(E) take other actions that the Secretary determines to be necessary or appropriate to address the purposes of that program and the objectives described in subsection (b).

(g) HALEU FOR ADVANCED NUCLEAR REACTOR DEMONSTRATION PROJECTS PROGRAM.—

(1) ACTIVITIES.—On enactment of this Act, the Secretary shall immediately accelerate and, as necessary, initiate activities to make available from inventories or stockpiles owned by the Department and made available to the consortium, HALEU for use in advanced nuclear reactors that cannot operate on uranium with lower enrichment levels or on alternate fuels, with priority given to the awards made pursuant to the funding opportunity announcement of the Department numbered DE–FOA–0002271 for Pathway 1, Advanced Reactor Demonstrations, with additional HALEU to be made available to other advanced nuclear reactor developers, as the Secretary determines to be appropriate.

(2) QUANTITY.—In carrying out activities under this subsection, the Secretary shall consider and implement, as necessary, all viable options to make HALEU available in quantities sufficient to maximize the potential for the Department to meet the needs and schedules of advanced nuclear reactor developers, including by seeking to make available—

(A) by September 30, 2024, not less than 3 metric tons of HALEU;

(B) by December 31, 2025, not less than an additional 8 metric tons of HALEU; and

(C) by June 30, 2026, not less than an additional 10 metric tons of HALEU.

(3) FACTORS FOR CONSIDERATION.—In carrying out activities under this subsection, the Secretary shall take into consideration—

(A) options for providing HALEU from a stockpile of uranium owned by the Department (including the National Nuclear Security Administration), including—

(i) uranium that has been declared excess to national security needs;

(ii) uranium that—

(I) directly meets the needs of advanced nuclear reactor developers; but

(II) has been previously used or fabricated for another purpose;

(iii) uranium that can meet the needs of advanced nuclear reactor developers after removing radioactive or other contaminants that resulted from previous use or fabrication of the fuel for research, development, demonstration, or deployment activities of the Department, including activities that reduce the environmental liability of the Department by accelerating the processing of uranium from stockpiles designated as waste;

(iv) uranium from a high-enriched uranium stockpile, which can be blended with lower assay uranium to become HALEU to meet the needs of advanced nuclear reactor developers; and

(v) uranium from stockpiles intended for other purposes, but for which uranium could be swapped or replaced in time in such a manner that would not negatively impact the missions of the Department;

(B) options for expanding, or establishing new, capabilities or infrastructure to support the processing of uranium from Department inventories, including options that may be mutually beneficial to the Department and to U.S. nuclear energy companies;

(C) options for accelerating the availability of HALEU from HALEU enrichment demonstration projects of the Department;

(D) options for providing HALEU from domestically enriched HALEU procured by the Department through a competitive process pursuant to the Nuclear Fuel Security Program established under subsection (d)(1);

(E) options to replenish, as needed, Department stockpiles of uranium made available pursuant to subparagraph (A) with domestically enriched HALEU procured by the Department through a competitive process pursuant to the Nuclear Fuel Security Program established under subsection (d)(1); and

(F) options that combine 1 or more of the approaches described in subparagraphs (A) through (E) to meet the deadlines described in paragraph (2).

(4) LIMITATION.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to—

(A) the final disposition of radioactive waste from uranium that is the subject of a contract for sale, resale, transfer, or lease under this subsection; or

(B) environmental cleanup activities.

(5) SUNSET.—The authority of the Secretary to carry out activities under this subsection shall terminate on the date on which the Secretary notifies Congress that the HALEU needs of advanced nuclear reactor developers can be fully met by commercial HALEU suppliers in the United States, as determined by the Secretary, in consultation with U.S. nuclear energy companies.

(h) AUTHORITY.—In carrying out the Programs, the Secretary, in coordination with the Secretary of State (where applicable)—

(1) may—

(A) in addition to exercising the authority granted to the Secretary under any other provision of law, enter into transactions (other than contracts, cooperative agreements, financial assistance agreements, or the provision of any other financial assistance) with an ally or partner nation, a U.S. nuclear energy company, or any other domestic or foreign entity for any activity to carry out the Programs, including the acquisition or provision of uranium, conversion services, enrichment services, LEU, HALEU, and related goods and services;

(B) notwithstanding section 161 u. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(u)), enter into contracts and other arrangements of such duration as the Secretary determines to be necessary;

(C) make acquisitions for the Programs through the use of competitive selection processes that the Secretary determines to be appropriate to achieve the objectives described in subsection (b) in an expeditious manner;

(D)(i) establish milestones for achieving specified objectives, including the production of LEU and HALEU in quantities and timeframes described in this section; and

(ii) provide awards and other forms of incentives for meeting those milestones; and

(E) provide loan guarantees, other financial assistance, or assistance in the form of revenue guarantees or similar mechanisms; and

(2) shall ensure that amounts charged to the Secretary for the acquisition or provision of uranium, conversion services, enrichment services, LEU, HALEU, and other goods and services under the Programs provide, in the opinion of the Secretary, in consultation with U.S. nuclear energy companies, reasonable compensation, taking into account—

(A) the fair market value of the good or service acquired or provided;

(B) the cost recovery requirements of the consortium; and

(C) the objectives described in subsection (b).

(i) DOMESTIC SOURCING CONSIDERATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may only carry out an activity in connection with 1 or more of the Programs if—

(A) the activity promotes manufacturing in the United States associated with uranium supply chains; or

(B) the activity relies on resources, materials, or equipment developed or produced—

(i) in the United States; or

(ii) in a country described in any of subparagraphs (A) through (C) of subsection (c)(2) by—

(I) an ally or partner nation;

(II) an associated entity; or

(III) a U.S. nuclear energy company.

(2) WAIVER.—The Secretary may waive the requirements of paragraph (1) with respect to an activity if the Secretary determines a waiver to be necessary to achieve 1 or more of the objectives described in subsection (b).

(j) REASONABLE COMPENSATION.—

(1) IN GENERAL.—In carrying out activities under this section, the Secretary shall ensure that any LEU and HALEU made available by the Secretary under 1 or more of the Programs is subject to reasonable compensation, taking into account the fair market value of the LEU or HALEU and the purposes of this section.

(2) AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding section 3302 of title 31, United States Code, revenues received from the sale or transfer of fuel feed material and other activities related to making LEU and HALEU available pursuant to this section—

(A) shall be available to the Department for carrying out the purposes of this section, to reduce the need for further appropriations for those purposes; and

(B) shall remain available until expended.

(k) EXCLUSIONS.—The Secretary may not carry out an activity in connection with the Programs with an entity that is—

(1) owned or controlled by the Government of the Russian Federation or the Government of the People's Republic of China; or

(2) organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People's Republic of China.

(l) NUCLEAR REGULATORY COMMISSION.—The Nuclear Regulatory Commission shall prioritize and expedite consideration of any action related to the Programs to the extent permitted under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and related statutes.

(m) USEC PRIVATIZATION ACT.—

(1) IN GENERAL.—The requirements of section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10) shall not apply to activities related to the Programs.

(2) AMENDMENT.—Section 3112A(c)(2)(A) of the USEC Privatization Act (42 U.S.C. 2297h–10a(c)(2)(A)) is amended—

(A) in clause (xii), by inserting ''and'' after the semicolon at the end;

(B) by striking clauses (xiii) through (xxvii); and

(C) by adding at the end the following:

''(xiii) in calendar year 2026 and each calendar year thereafter, 0 kilograms.''.

(n) PROHIBITION ON IMPORTATION OF URANIUM FROM THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA.—

(1) IN GENERAL.—Notwithstanding section 3112A of the USEC Privatization Act (42 U.S.C. 2297h–10a) or any other provision of law, the importation of articles of the Russian Federation or the People's Republic of China classifiable under subheading 2612.10, 2844.10, 2844.20, 2844.30.20, or 2844.30.50 of the Harmonized Tariff Schedule of the United States is prohibited.

(2) WAIVER OF PROHIBITION.—

(A) IN GENERAL.—The Secretary may waive the prohibition under paragraph (1) with respect to an article if the Secretary, in consultation with the Secretary of State and the Secretary of Commerce, determines that—

(i) no viable source of alternative supply of the article is available to sustain continued operation of a nuclear reactor in the United States; or

(ii) importation of the article from a country other than the Russian Federation or the People's Republic of China is in the interest of national security.

(B) NOTIFICATION TO CONGRESS.—Not later than 60 days before issuing a waiver under subparagraph (A), the Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives of the intent to issue the waiver, including a justification for the waiver.

(C) EXPIRATION OF WAIVER AUTHORITY.—The authority provided to the Secretary under subparagraph (A) expires on December 31, 2025.

(3) EFFECTIVE DATE.—Paragraph (1) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 45 days after the date of enactment of this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise available, there are authorized to be appropriated to the Secretary—

(1) for the Nuclear Fuel Security Program, $3,500,000,000 for fiscal year 2023, to remain available until September 30, 2031, of which the Secretary may use $1,000,000,000 by September 30, 2028, to carry out the HALEU for Advanced Nuclear Reactor Demonstration Projects Program; and

(2) for the American Assured Fuel Supply Program of the Department, as expanded under this section, such sums as are necessary for the period of fiscal years 2023 through 2030, to remain available until September 30, 2031.

SEC. 3_____. ISOTOPE DEMONSTRATION AND ADVANCED NUCLEAR RESEARCH INFRASTRUCTURE ENHANCEMENT.

(a) EVALUATION AND ESTABLISHMENT OF ISOTOPE DEMONSTRATION PROGRAM.—Section 952(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16272(a)(2)(A)) is amended by striking ''shall evaluate the technical and economic feasibility of the establishment of'' and inserting ''shall evaluate the technical

and economic feasibility of, and, if feasible, is authorized to establish,''.

(b) ADVANCED NUCLEAR RESEARCH INFRASTRUCTURE ENHANCEMENT.—Section 954(a)(5) of the Energy Policy Act of 2005 (42 U.S.C. 16274(a)(5)) is amended—

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

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

''(E) FUEL SERVICES.—The Secretary shall expand the Research Reactor Infrastructure subprogram of the Radiological Facilities Management program of the Department carried out under paragraph (6) to provide fuel services to research reactors established under this paragraph.''.

SEC. 3_____. REPORT ON CIVIL NUCLEAR CREDIT PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the appropriate committees of Congress a report that identifies the anticipated funding requirements for the civil nuclear credit program described in section 40323 of the Infrastructure Investment and Jobs Act (42 U.S.C. 18753), taking into account—

(1) the zero-emission nuclear power production credit authorized by section 45U of the Internal Revenue Code of 1986; and

(2) any increased fuel costs associated with the use of domestic fuel that may arise from the implementation of that program.

SA 6199. Mr. MANCHIN (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:

After title XXXII of division C, insert the following:

TITLE XXXIII—INTERNATIONAL CIVIL NUCLEAR COOPERATION AND EXPORTS

SEC. 3301. DEFINITIONS.

In this title:

(1) ADVANCED NUCLEAR REACTOR.—The term ''advanced nuclear reactor'' has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

(2) ALLY OR PARTNER NATION.—The term ''ally or partner nation'' means—

(A) the Government of any country that is a member of the Organisation for Economic Co-operation and Development;

(B) the Government of the Republic of India; and

(C) the Government of any country designated as an ally or partner nation by the Secretary of State for purposes of this title.

(3) ASSISTANT.—The term ''Assistant'' means the Assistant to the President and Director for International Nuclear Energy Policy described in section 3302(a)(1)(D).

(4) ASSOCIATED ENTITY.—The term ''associated entity'' means an entity that—

(A) is owned, controlled, or operated by—

(i) an ally or partner nation; or

(ii) an associated individual; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, a country described in paragraph (2), including a corporation that is incorporated in a country described in that paragraph.

(5) ASSOCIATED INDIVIDUAL.—The term ''associated individual'' means a foreign national who is a national of a country described in paragraph (2).

(6) CIVIL NUCLEAR.—The term ''civil nuclear'' means activities relating to—

(A) nuclear plant construction;

(B) nuclear fuel services;

(C) nuclear energy financing;

(D) nuclear plant operations;

(E) nuclear plant regulation;

(F) nuclear medicine;

(G) nuclear safety;

(H) community engagement in areas in reasonable proximity to nuclear sites;

(I) infrastructure support for nuclear energy;

(J) nuclear plant decommissioning;

(K) nuclear liability;

(L) safe storage and safe disposal of spent nuclear fuel;

(M) environmental safeguards;

(N) nuclear nonproliferation and security; and

(O) technology related to the matters described in subparagraphs (A) through (N).

(7) EMBARKING CIVIL NUCLEAR ENERGY NATION.—

(A) IN GENERAL.—The term ''embarking civil nuclear energy nation'' means a country that—

(i) does not have a civil nuclear program;

(ii) is in the process of developing or expanding a civil nuclear program, including safeguards and a legal and regulatory framework, for—

(I) nuclear safety;

(II) nuclear security;

(III) radioactive waste management;

(IV) civil nuclear energy;

(V) environmental safeguards;

(VI) community engagement in areas in reasonable proximity to nuclear sites;

(VII) nuclear liability; or

(VIII) advanced nuclear reactor licensing;

(iii) is in the process of selecting, developing, constructing, or utilizing advanced light water reactors, advanced nuclear reactors, or advanced civil nuclear technologies; or

(iv) is eligible to receive development lending from the World Bank.

(B) EXCLUSIONS.—The term ''embarking civil nuclear energy nation'' does not include—

(i) the People's Republic of China;

(ii) the Russian Federation;

(iii) the Republic of Belarus;

(iv) the Islamic Republic of Iran;

(v) the Democratic People's Republic of Korea;

(vi) the Republic of Cuba;

(vii) the Bolivarian Republic of Venezuela;

(viii) the Syrian Arab Republic; or

(ix) any other country—

(I) the property or interests in property of the government of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(II) the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism for purposes of—

(aa) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(bb) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d));

(cc) section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A)(i)); or

(dd) any other relevant provision of law.

(8) NUCLEAR SAFETY.—The term ''nuclear safety'' means issues relating to the design, construction, operation, or decommissioning of nuclear facilities in a manner that ensures adequate protection of workers, the public, and the environment, including—

(A) the safe operation of nuclear reactors and other nuclear facilities;

(B) radiological protection of—

(i) members of the public;

(ii) workers; and

(iii) the environment;

(C) nuclear waste management;

(D) emergency preparedness;

(E) nuclear liability; and

(F) the safe transportation of nuclear materials.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(11) U.S. NUCLEAR ENERGY COMPANY.—The term ''U.S. nuclear energy company'' means a company that—

(A) is organized under the laws of, or otherwise subject to the jurisdiction of, the United States; and

(B) is involved in the nuclear energy industry.

SEC. 3302. CIVIL NUCLEAR COORDINATION AND STRATEGY.

(a) WHITE HOUSE FOCAL POINT ON COORDINATION.—

(1) SENSE OF CONGRESS.—Given the critical importance of developing and implementing, with input from various agencies throughout the executive branch, a cohesive policy with respect to international efforts related to civil nuclear energy, it is the sense of Congress that—

(A) there should be a focal point within the White House, which may, if determined to be appropriate, report to the National Security Council, for coordination on issues relating to those efforts;

(B) to provide that focal point, the President should establish, within the Executive Office of the President, an office, to be known as the ''Office of the Assistant to the President and Director for International Nuclear Energy Policy'' (referred to in this subsection as the ''Office'');

(C) the Office should act as a coordinating office for—

(i) international civil nuclear cooperation; and

(ii) civil nuclear export strategy;

(D) the Office should be headed by an individual appointed as an Assistant to the President with the title of ''Director for International Nuclear Energy Policy''; and

(E) the Office should—

(i) coordinate civil nuclear export policies for the United States;

(ii) develop, in coordination with the officials described in paragraph (2), a cohesive Federal strategy for engagement with foreign governments (including ally or partner nations and the governments of embarking civil nuclear energy nations), associated entities, and associated individuals with respect to civil nuclear exports;

(iii) coordinate with the officials described in paragraph (2) to ensure that necessary framework agreements and trade controls relating to civil nuclear materials and technologies are in place for key markets; and

(iv) develop—

(I) a whole-of-government coordinating strategy for civil nuclear cooperation;

(II) a whole-of-government strategy for civil nuclear exports; and

(III) a whole-of-government approach to support appropriate foreign investment in civil nuclear energy projects supported by the United States in embarking civil nuclear energy nations.

(2) OFFICIALS DESCRIBED.—The officials referred to in paragraph (1)(E) are—

(A) the appropriate officials of—

(i) the Department of State;

(ii) the Department of Energy;

(iii) the Department of Commerce;

(iv) the Department of Transportation;

(v) the Nuclear Regulatory Commission;

(vi) the Department of Defense;
(vii) the National Security Council;
(viii) the National Economic Council;
(ix) the Office of the United States Trade Representative;
(x) the Office of Management and Budget;
(xi) the Office of the Director of National Intelligence;
(xii) the Export-Import Bank of the United States;
(xiii) the United States International Development Finance Corporation;
(xiv) the United States Agency for International Development;
(xv) the United States Trade and Development Agency;
(xvi) the Office of Science and Technology Policy; and
(xvii) any other Federal agency that the President determines to be appropriate; and
(B) appropriate officials representing foreign countries and governments, including—
(i) ally or partner nations;
(ii) embarking civil nuclear energy nations; and
(iii) any other country or government that the Assistant (if appointed) and the officials described in subparagraph (A) jointly determine to be appropriate.

(b) NUCLEAR EXPORTS WORKING GROUP.—
(1) ESTABLISHMENT.—There is established a working group, to be known as the ''Nuclear Exports Working Group'' (referred to in this subsection as the ''working group'').
(2) COMPOSITION.—The working group shall be composed of—
(A) senior-level Federal officials, selected internally by the applicable Federal agency or organization, from—
(i) the Department of State;
(ii) the Department of Commerce;
(iii) the Department of Energy;
(iv) the Department of the Treasury;
(v) the Export-Import Bank of the United States;
(vi) the United States International Development Finance Corporation;
(vii) the Nuclear Regulatory Commission;
(viii) the Office of the United States Trade Representative; and
(ix) the United States Trade and Development Agency; and
(B) other senior-level Federal officials, selected internally by the applicable Federal agency or organization, from any other Federal agency or organization that the Secretary determines to be appropriate.
(3) REPORTING.—The working group shall report to the appropriate White House official, which may be the Assistant (if appointed).
(4) DUTIES.—The working group shall submit to the Civil Nuclear Trade Advisory Committee of the Department of Commerce and the Nuclear Energy Advisory Committee of the Department of Energy quarterly reports on the standing of civil nuclear exports from the United States, including with respect to meeting the targets established as part of the 5-year civil nuclear trade strategy described in paragraph (5)(A).
(5) STRATEGY.—
(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the working group shall establish a 10-year civil nuclear trade strategy, including biennial targets for the export of civil nuclear technologies, including light water and non-light water reactors and associated equipment and technologies, civil nuclear materials, and nuclear fuel that align with meeting international energy demand while seeking to avoid or reduce emissions.
(B) COLLABORATION REQUIRED.—In establishing the strategy under subparagraph (A), the working group shall collaborate with—
(i) the Secretary;
(ii) the Secretary of Commerce;
(iii) the Secretary of State;
(iv) the Secretary of the Treasury;
(v) the Nuclear Regulatory Commission;
(vi) the President of the Export-Import Bank of the United States;
(vii) the Chief Executive Officer of the United States International Development Finance Corporation;
(viii) the United States Trade Representative; and
(ix) representatives of private industry.

SEC. 3303. ENGAGEMENT WITH ALLY OR PARTNER NATIONS.

(a) IN GENERAL.—The President shall launch, in accordance with applicable nuclear technology export laws (including regulations), an international initiative to modernize the civil nuclear outreach to embarking civil nuclear energy nations.
(b) FINANCING.—In carrying out the initiative described in subsection (a), the President, acting through an appropriate Federal official, who may be the Assistant (if appointed) or the Chief Executive Officer of the International Development Finance Corporation, if determined to be appropriate, and in coordination with the officials described in section 3302(a)(2), may, if the President determines to be appropriate, seek to establish cooperative financing relationships for the export of civil nuclear technology, components, materials, and infrastructure to embarking civil nuclear energy nations.
(c) ACTIVITIES.—In carrying out the initiative described in subsection (a), the President shall—
(1) assist nongovernmental organizations and appropriate offices, administrations, agencies, laboratories, and programs of the Department of Energy and other relevant Federal agencies and offices in providing education and training to foreign governments in nuclear safety, security, and safeguards—
(A) through engagement with the International Atomic Energy Agency; or
(B) independently, if the applicable entity determines that it would be more advantageous under the circumstances to provide the applicable education and training independently;
(2) assist the efforts of the International Atomic Energy Agency to expand the support provided by the International Atomic Energy Agency to embarking civil nuclear energy nations for nuclear safety, security, and safeguards;
(3) coordinate the work of the Chief Executive Officer of the United States International Development Finance Corporation to expand outreach to the private investment community to create public-private financing relationships to assist in the export of civil nuclear technology to embarking civil nuclear energy nations;
(4) seek to better coordinate, to the maximum extent practicable, the work carried out by each of—
(A) the Nuclear Regulatory Commission;
(B) the Department of Energy;
(C) the Department of Commerce;
(D) the Nuclear Energy Agency;
(E) the International Atomic Energy Agency; and
(F) the nuclear regulatory agencies and organizations of embarking civil nuclear energy nations and ally or partner nations; and
(5) improve the efficient and effective exporting and importing of civil nuclear technologies and materials.

SEC. 3304. COOPERATIVE FINANCING RELATIONSHIPS WITH ALLY OR PARTNER NATIONS AND EMBARKING CIVIL NUCLEAR ENERGY NATIONS.

(a) IN GENERAL.—The President shall designate an appropriate White House official, who may be the Assistant (if appointed), and the Chief Executive Officer of the United States International Development Finance Corporation to coordinate with the officials described in section 3302(a)(2) to develop, as the President determines to be appropriate, financing relationships with ally or partner nations to advance civil nuclear exports from the United States or ally or partner nations to embarking civil nuclear energy nations.
(b) UNITED STATES COMPETITIVENESS CLAUSES.—
(1) DEFINITION OF UNITED STATES COMPETITIVENESS CLAUSE.—In this subsection, the term ''United States competitiveness clause'' means any United States competitiveness provision in any agreement entered into by the Department of Energy, including—
(A) a cooperative agreement;
(B) a cooperative research and development agreement; and
(C) a patent waiver.
(2) CONSIDERATION.—In carrying out subsection (a), the relevant officials described in that subsection shall consider the impact of United States competitiveness clauses on any financing relationships entered into or proposed to be entered into under that subsection.
(3) WAIVER.—The Secretary shall facilitate waivers of United States competitiveness clauses as necessary to facilitate financing relationships with ally or partner nations under subsection (a).

SEC. 3305. COOPERATION WITH ALLY OR PARTNER NATIONS ON ADVANCED NUCLEAR REACTOR DEMONSTRATION AND COOPERATIVE RESEARCH FACILITIES FOR CIVIL NUCLEAR ENERGY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of State, in coordination with the Secretary and the Secretary of Commerce, shall conduct bilateral and multilateral meetings with not fewer than 5 ally or partner nations, with the aim of enhancing nuclear energy cooperation among those ally or partner nations and the United States, for the purpose of developing collaborative relationships with respect to research, development, licensing, and deployment of advanced nuclear reactor technologies for civil nuclear energy.
(b) REQUIREMENT.—The meetings described in subsection (a) shall include—
(1) a focus on cooperation to demonstrate and deploy advanced nuclear reactors, with an emphasis on U.S. nuclear energy companies, during the 10-year period beginning on the date of enactment of this Act to provide options for addressing climate change by 2050; and
(2) a focus on developing a memorandum of understanding or any other appropriate agreement between the United States and ally or partner nations with respect to—
(A) the demonstration and deployment of advanced nuclear reactors; and
(B) the development of cooperative research facilities.
(c) FINANCING ARRANGEMENTS.—In conducting the meetings described in subsection (a), the Secretary of State, in coordination with the Secretary and the Secretary of Commerce, shall seek to develop financing arrangements to share the costs of the demonstration and deployment of advanced nuclear reactors and the development of cooperative research facilities with the ally or partner nations participating in those meetings.
(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, the Secretary of State, and the Secretary of Commerce shall jointly submit to Congress a report highlighting potential partners—

(1) for the establishment of cost-share arrangements described in subsection (c); or

(2) with which the United States may enter into agreements with respect to—

(A) the demonstration of advanced nuclear reactors; or

(B) cooperative research facilities.

SEC. 3306. INTERNATIONAL CIVIL NUCLEAR ENERGY COOPERATION.

Section 959B of the Energy Policy Act of 2005 (42 U.S.C. 16279b) is amended—

(1) in the matter preceding paragraph (1), by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary'';

(2) in subsection (a) (as so designated)—

(A) in paragraph (1)—

(i) by striking ''financing,''; and

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

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''preparations for''; and

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

(C) by adding at the end the following:

''(3) to support, in consultation with the Secretary of State, the safe, secure, and peaceful use of civil nuclear technology in countries developing nuclear energy programs, with a focus on countries that have increased civil nuclear cooperation with the Russian Federation or the People's Republic of China; and

''(4) to promote the fullest utilization of the reactors, fuel, equipment, services, and technology of U.S. nuclear energy companies (as defined in section 3301 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023) in civil nuclear energy programs outside the United States through—

''(A) bilateral and multilateral arrangements developed and executed in coordination with the Secretary of State that contain commitments for the utilization of the reactors, fuel, equipment, services, and technology of U.S. nuclear energy companies (as defined in that section);

''(B) the designation of 1 or more U.S. nuclear energy companies (as defined in that section) to implement an arrangement under subparagraph (A) if the Secretary determines that the designation is necessary and appropriate to achieve the objectives of this section;

''(C) the waiver of any provision of law relating to competition with respect to any activity related to an arrangement under subparagraph (A) if the Secretary, in consultation with the Attorney General and the Secretary of Commerce, determines that a waiver is necessary and appropriate to achieve the objectives of this section; and

''(D) the issuance of loans, loan guarantees, other financial assistance, or assistance in the form of an equity interest to carry out activities related to an arrangement under subparagraph (A), to the extent appropriated funds are available.''; and

(3) by adding at the end the following:

''(b) REQUIREMENTS.—The program under subsection (a) shall—

''(1) with respect to the function described in subsection (a)(3), be modeled after the International Military Education and Training program of the Department of State; and

''(2) be authorized and directed by the Secretary of State and implemented by the Secretary—

''(A) to facilitate, to the maximum extent practicable, workshops and expert-based exchanges to engage industry, stakeholders, and foreign governments with respect to international civil nuclear issues, such as—

''(i) training;

''(ii) financing;

''(iii) safety;

''(iv) security;

''(v) safeguards;

''(vi) liability;

''(vii) advanced fuels;

''(viii) operations; and

''(ix) options for multinational cooperation with respect to the disposal of spent nuclear fuel (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)); and

''(B) in coordination with—

''(i) the National Security Council;

''(ii) the Secretary of State;

''(iii) the Secretary of Commerce; and

''(iv) the Nuclear Regulatory Commission.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (a)(3) $15,500,000 for each of fiscal years 2023 through 2027.''.

SEC. 3307. INTERNATIONAL CIVIL NUCLEAR PROGRAM SUPPORT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of State, in coordination with the Secretary and the Assistant (if appointed), shall launch an international initiative (referred to in this section as the ''initiative'') to provide financial assistance to, and facilitate the building of technical capacities by, in accordance with this section, embarking civil nuclear energy nations for activities relating to the development of civil nuclear energy programs.

(b) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—In carrying out the initiative, the Secretary of State, in coordination with the Secretary and the Assistant (if appointed), may award grants of financial assistance to embarking civil nuclear energy nations in accordance with this subsection—

(A) for activities relating to the development of civil nuclear energy programs; and

(B) to facilitate the building of technical capacities for those activities.

(2) AMOUNT.—The amount of a grant of financial assistance under paragraph (1) shall be not more than $5,500,000.

(3) LIMITATIONS.—The Secretary of State, in coordination with the Secretary and the Assistant (if appointed), may award—

(A) not more than 1 grant of financial assistance under paragraph (1) to any 1 embarking civil nuclear energy nation each fiscal year; and

(B) not more than a total of 5 grants of financial assistance under paragraph (1) to any 1 embarking civil nuclear energy nation.

(c) SENIOR ADVISORS.—

(1) IN GENERAL.—In carrying out the initiative, the Secretary of State, in coordination with the Secretary and the Assistant (if appointed), may provide financial assistance to an embarking civil nuclear energy nation for the purpose of contracting with a U.S. nuclear energy company to hire 1 or more senior advisors to assist the embarking civil nuclear energy nation in establishing a civil nuclear program.

(2) REQUIREMENT.—A senior advisor described in paragraph (1) shall have relevant experience and qualifications to advise the embarking civil nuclear energy nation on, and facilitate on behalf of the embarking civil nuclear energy nation, 1 or more of the following activities:

(A) The development of financing relationships.

(B) The development of a standardized financing and project management framework for the construction of nuclear power plants.

(C) The development of a standardized licensing framework for—

(i) light water civil nuclear technologies; and

(ii) non-light water civil nuclear technologies and advanced nuclear reactors.

(D) The identification of qualified organizations and service providers.

(E) The identification of funds to support payment for services required to develop a civil nuclear program.

(F) Market analysis.

(G) The identification of the safety, security, safeguards, and nuclear governance required for a civil nuclear program.

(H) Risk allocation, risk management, and nuclear liability.

(I) Technical assessments of nuclear reactors and technologies.

(J) The identification of actions necessary to participate in a global nuclear liability regime based on the Convention on Supplementary Compensation for Nuclear Damage, with Annex, done at Vienna September 12, 1997 (TIAS 15–415).

(K) Stakeholder engagement.

(L) Management of spent nuclear fuel and nuclear waste.

(M) Any other major activities to support the establishment of a civil nuclear program, such as the establishment of export, financing, construction, training, operations, and education requirements.

(3) CLARIFICATION.—Financial assistance under this subsection may be provided to an embarking civil nuclear energy nation in addition to any financial assistance provided to that embarking civil nuclear energy nation under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State to carry out the initiative $50,000,000 for each of fiscal years 2023 through 2027.

SEC. 3308. BIENNIAL CABINET-LEVEL INTERNATIONAL CONFERENCE ON NUCLEAR SAFETY, SECURITY, SAFEGUARDS, AND SUSTAINABILITY.

(a) IN GENERAL.—The President, in coordination with international partners, as determined by the President, and industry, shall hold a biennial conference on civil nuclear safety, security, safeguards, and sustainability (referred to in this section as a ''conference'').

(b) CONFERENCE FUNCTIONS.—It is the sense of Congress that each conference should—

(1) be a forum in which ally or partner nations may engage with each other for the purpose of reinforcing the commitment to—

(A) nuclear safety, security, safeguards, and sustainability;

(B) environmental safeguards; and

(C) local community engagement in areas in reasonable proximity to nuclear sites; and

(2) facilitate—

(A) the development of—

(i) joint commitments and goals to improve—

(I) nuclear safety, security, safeguards, and sustainability;

(II) environmental safeguards; and

(III) local community engagement in areas in reasonable proximity to nuclear sites;

(ii) stronger international institutions that support nuclear safety, security, safeguards, and sustainability;

(iii) cooperative financing relationships to promote competitive alternatives to Chinese and Russian financing;

(iv) a standardized financing and project management framework for the construction of civil nuclear power plants;

(v) a standardized licensing framework for civil nuclear technologies;

(vi) a strategy to change internal policies of multinational development banks, such as the World Bank, to support the financing of civil nuclear projects;

(vii) a document containing any lessons learned from countries that have partnered with the Russian Federation or the People's

Republic of China with respect to civil nuclear power, including any detrimental outcomes resulting from that partnership; and

(viii) a global civil nuclear liability regime;

(B) cooperation for enhancing the overall aspects of civil nuclear power, such as—

(i) nuclear safety, security, safeguards, and sustainability;

(ii) nuclear laws (including regulations);

(iii) waste management;

(iv) quality management systems;

(v) technology transfer;

(vi) human resources development;

(vii) localization;

(viii) reactor operations;

(ix) nuclear liability; and

(x) decommissioning; and

(C) the development and determination of the mechanisms described in paragraphs (7) and (8) of section 3309(a), if the President intends to establish an Advanced Reactor Coordination and Resource Center as described in that section.

(c) INPUT FROM INDUSTRY AND GOVERNMENT.—It is the sense of Congress that each conference should include a meeting that convenes nuclear industry leaders and leaders of government agencies with expertise relating to nuclear safety, security, safeguards, or sustainability to discuss best practices relating to—

(1) the safe and secure use, storage, and transport of nuclear and radiological materials;

(2) managing the evolving cyber threat to nuclear and radiological security; and

(3) the role that the nuclear industry should play in nuclear and radiological safety, security, and safeguards, including with respect to the safe and secure use, storage, and transport of nuclear and radiological materials, including spent nuclear fuel and nuclear waste.

SEC. 3309. ADVANCED REACTOR COORDINATION AND RESOURCE CENTER.

(a) IN GENERAL.—The President shall consider the feasibility of establishing a center, to be known as the ''Advanced Reactor Coordination and Resource Center'' (referred to in this section as the ''Center''), for the purposes of—

(1) identifying qualified organizations and service providers—

(A) for embarking civil nuclear energy nations;

(B) to develop and assemble documents, contracts, and related items required to establish a civil nuclear program; and

(C) to develop a standardized model for the establishment of a civil nuclear program that can be used by the International Atomic Energy Agency;

(2) coordinating with countries participating in the Center and with the Nuclear Exports Working Group established under section 3302(b)—

(A) to identify funds to support payment for services required to develop a civil nuclear program;

(B) to provide market analysis; and

(C) to create—

(i) project structure models;

(ii) models for electricity market analysis;

(iii) models for nonelectric applications market analysis; and

(iv) financial models;

(3) identifying and developing the safety, security, safeguards, and nuclear governance required for a civil nuclear program;

(4) supporting multinational regulatory standards to be developed by countries with civil nuclear programs and experience;

(5) developing and strengthening communications, engagement, and consensus-building;

(6) carrying out any other major activities to support export, financing, education, construction, training, and education requirements relating to the establishment of a civil nuclear program;

(7) developing mechanisms for how to fund and staff the Center; and

(8) determining mechanisms for the selection of the location or locations of the Center.

(b) OBJECTIVE.—The President shall carry out subsection (a) with the objective of establishing the Center if the President determines that it is feasible to do so.

SEC. 3310. INVESTMENT BY ALLIES AND PARTNERS OF THE UNITED STATES.

(a) COMMERCIAL LICENSES.—Section 103 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended, in the second sentence—

(1) by inserting ''for a production facility'' after ''No license''; and

(2) by striking ''any any'' and inserting ''any''.

(b) MEDICAL THERAPY AND RESEARCH DEVELOPMENT LICENSES.—Section 104 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended, in the second sentence, by inserting ''for a production facility'' after ''No license''.

SEC. 3311. STRATEGIC INFRASTRUCTURE FUND WORKING GROUP.

(a) ESTABLISHMENT.—There is established a working group, to be known as the ''Strategic Infrastructure Fund Working Group'' (referred to in this section as the ''working group'').

(b) COMPOSITION.—The working group shall be—

(1) led by a White House official, who may be the Assistant (if appointed), who shall serve as the White House focal point with respect to matters relating to the working group; and

(2) composed of—

(A) senior-level Federal officials, selected by the head of the applicable Federal agency or organization, from—

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Commerce;

(iv) the Department of Energy;

(v) the Export-Import Bank of the United States;

(vi) the United States International Development Finance Corporation; and

(vii) the Nuclear Regulatory Commission;

(B) other senior-level Federal officials, selected by the head of the applicable Federal agency or organization, from any other Federal agency or organization that the Secretary determines to be appropriate; and

(C) any senior-level Federal official selected by the White House official described in paragraph (1) from any Federal agency or organization.

(c) REPORTING.—The working group shall report to the National Security Council.

(d) DUTIES.—The working group shall—

(1) provide direction and advice to the officials described in section 3302(a)(2)(A) and appropriate Federal agencies, as determined by the working group, with respect to the establishment of a Strategic Infrastructure Fund (referred to in this subsection as the ''Fund'') to be used—

(A) to support those aspects of projects relating to—

(i) civil nuclear technologies;

(ii) rare earth elements and critical minerals (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a))); and

(iii) microprocessors; and

(B) for strategic investments identified by the working group; and

(2) address critical areas in determining the appropriate design for the Fund, including—

(A) transfer of assets to the Fund;

(B) transfer of assets from the Fund;

(C) how assets in the Fund should be invested; and

(D) governance and implementation of the Fund.

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the working group shall submit to the committees described in paragraph (2) a report on the findings of the working group that includes suggested legislative text for how to establish and structure a Strategic Infrastructure Fund.

(2) COMMITTEES DESCRIBED.—The committees referred to in paragraph (1) are—

(A) the Committee on Foreign Relations, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Finance of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Science, Space, and Technology, and the Committee on Ways and Means of the House of Representatives.

(3) ADMINISTRATION OF THE FUND.—The report submitted under paragraph (1) shall include suggested legislative language requiring all expenditures from a Strategic Infrastructure Fund established in accordance with this section to be administered by the Secretary of State (or a designee of the Secretary of State).

SA 6200. Mr. MANCHIN (for himself, Ms. HASSAN, Mr. BLUMENTHAL, Ms. DUCKWORTH, 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 A of title XII, add the following:

SEC. 1214. STATEMENT OF SUPPORT FOR THE RECONSTRUCTION OF UKRAINE.

(a) FINDINGS.—Congress finds the following:

(1) Vladimir Putin's invasion of Ukraine has generated massive levels of human and economic suffering in the sovereign nation of Ukraine.

(2) According to the United Nations Human Rights Council, Putin's war in Ukraine, which began on February 24, 2022, has directly caused—

(A) 14,844 civilian casualties, including 5,996 civilians killed;

(B) the internal displacement of approximately 7,000,000 people in Ukraine; and

(C) an additional 7,405,590 Ukrainian refugees to flee from Ukraine to other European countries.

(3) Ukrainian civilians are still being killed daily and the true number of Ukrainian civilian casualties might never be known.

(4) According to the World Bank, Putin's war in Ukraine—

(A) caused more than $97,000,000,000 worth of damage to buildings and infrastructure between February 24, 2022 and June 1, 2022;

(B) is expected to cause Ukraine's economy to shrink by 45.1 percent during 2022; and

(C) will require an estimated $349,000,000,000 for recovery and reconstruction needs across social, productive, and infrastructure sectors in Ukraine.

(b) STATEMENT OF SUPPORT.—Congress—

(1) recognizes that—

(A) the United States—

(i) has long sought to alleviate the suffering of civilians and nations hurt by war; and

(ii) remains committed to ensuring the long-term peace, prosperity, and territorial integrity of Ukraine;

(B) aid packages, such as the Marshall Plan—

(i) helped Western Europe recover from the economic damage and human suffering generated by World War II; and

(ii) contributed to the stability of global good order that has persisted for decades;

(C) an effective Ukrainian reconstruction effort can only be accomplished by working in concert with other nations and international bodies; and

(2) encourages the United States Government to lead an international group of allies that will equitably contribute to provide the Government of Ukraine and the Ukrainian people with a reconstruction assistance package for the purpose of increasing ties between nations that are seeking a stable international order to counter malign and rogue actors.

SA 6201. Mr. DURBIN (for himself and 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, insert the following:

SEC. ____. COMPETITION IN CREDIT CARD TRANSACTIONS.

(a) SHORT TITLE.—This section may be cited as the ''Credit Card Competition Act of 2022''.

(b) RESPONSIBILITIES OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—

(1) IN GENERAL.—Section 921 of the Electronic Fund Transfer Act (15 U.S.C. 1693o–2) is amended—

(A) in subsection (b)—

(i) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(ii) by inserting after paragraph (1) the following:

''(2) COMPETITION IN CREDIT CARD TRANSACTIONS.—

''(A) NO EXCLUSIVE NETWORK.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Credit Card Competition Act of 2022, the Board shall prescribe regulations providing that a covered card issuer or payment card network shall not directly or through any agent, processor, or licensed member of a payment card network, by contract, requirement, condition, penalty, technological specification, or otherwise, restrict the number of payment card networks on which an electronic credit transaction may be processed to—

''(I) 1 such network;

''(II) 2 or more such networks which are owned, controlled, or otherwise operated by—

''(aa) affiliated persons; or

''(bb) networks affiliated with such issuer; or

''(III) subject to clause (ii), the 2 such networks that hold the 2 largest market shares with respect to the number of credit cards issued in the United States by licensed members of such networks (and enabled to be processed through such networks), as determined by the Board on the date on which the Board prescribes the regulations.

''(ii) DETERMINATIONS BY BOARD.—

''(I) IN GENERAL.—The Board, not later than 3 years after the date on which the regulations prescribed under clause (i) take effect, and not less frequently than once every 3 years thereafter, shall determine whether the 2 networks identified under clause (i)(III) have changed, as compared with the most recent such determination by the Board.

''(II) EFFECT OF DETERMINATION.—If the Board, under subclause (I), determines that the 2 networks described in clause (i)(III) have changed (as compared with the most recent such determination by the Board), clause (i)(III) shall no longer have any force or effect.

''(B) NO ROUTING RESTRICTIONS.—Not later than 1 year after the date of enactment of the Credit Card Competition Act of 2022, the Board shall prescribe regulations providing that a covered card issuer or payment card network shall not—

''(i) directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise—

''(I) inhibit the ability of any person who accepts credit cards for payments to direct the routing of electronic credit transactions for processing over any payment card network that—

''(aa) may process such transactions; and

''(bb) is not on the list established by the Board under subparagraph (D);

''(II) require any person who accepts credit cards for payments to exclusively use, for transactions associated with a particular credit card, an authentication, tokenization, or other security technology that cannot be used by all of the payment card networks that may process electronic credit transactions for that particular credit card; or

''(III) inhibit the ability of another payment card network to handle or process electronic credit transactions using an authentication, tokenization, or other security technology for the processing of those electronic credit transactions; or

''(ii) impose any penalty or disadvantage, financial or otherwise, on any person for—

''(I) choosing to direct the routing of an electronic credit transaction over any payment card network on which the electronic credit transaction may be processed; or

''(II) failing to ensure that a certain number, or aggregate dollar amount, of electronic credit transactions are handled by a particular payment card network.

''(C) APPLICABILITY.—The regulations prescribed under subparagraphs (A) and (B) shall not apply to a credit card issued in a 3-party payment system model.

''(D) DESIGNATION OF NATIONAL SECURITY RISKS.—Not later than 1 year after the date of enactment of the Credit Card Competition Act of 2022, the Board, in consultation with the Secretary of the Treasury, shall prescribe regulations to establish a public list of any payment card network—

''(i) the processing of electronic credit transactions by which is determined by the Board to pose a risk to the national security of the United States; or

''(ii) that is owned, operated, or sponsored by a foreign state entity.

''(E) DEFINITIONS.—In this paragraph—

''(i) the terms 'card issuer' and 'creditor' have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602);

''(ii) the term 'covered card issuer' means a card issuer that, together with the affiliates of the card issuer, has assets of more than $100,000,000,000;

''(iii) the term 'credit card issued in a 3-party payment system model' means a credit card issued by a card issuer that is—

''(I) the payment card network with respect to the credit card; or

''(II) under common ownership with the payment card network with respect to the credit card;

''(iv) the term 'electronic credit transaction'—

''(I) means a transaction in which a person uses a credit card; and

''(II) includes a transaction in which a person does not physically present a credit card for payment, including a transaction involving the entry of credit card information onto, or use of credit card information in conjunction with, a website interface or a mobile telephone application; and

''(v) the term 'licensed member' includes, with respect to a payment card network—

''(I) a creditor or card issuer that is authorized to issue credit cards bearing any logo of the payment card network; and

''(II) any person, including any financial institution and any person that may be referred to as an 'acquirer', that is authorized to—

''(aa) screen and accept any person into any program under which that person may accept, for payment for goods or services, a credit card bearing any logo of the payment card network;

''(bb) process transactions on behalf of any person who accepts credit cards for payments; and

''(cc) complete financial settlement of any transaction on behalf of a person who accepts credit cards for payments.''; and

(B) in subsection (d)(1), by inserting '', except that the Bureau shall not have authority to enforce the requirements of this section or any regulations prescribed by the Board under this section'' after ''section 918''.

(2) EFFECTIVE DATE.—The regulations prescribed by the Board of Governors of the Federal Reserve System under paragraph (2) of section 921(b) of the Electronic Fund Transfer Act (15 U.S.C. 1693o–2(b)), as amended by paragraph (1) of this subsection, shall take effect on the date that is 180 days after the date on which the Board prescribes the final version of those regulations.

SA 6202. 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:

DIVISION E—MISCELLANEOUS

SEC. 5001. STEWARDSHIP FEE ON OPIOID PAIN RELIEVERS.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by inserting after subchapter D the following new subchapter:

"Subchapter E—Certain Opioid Pain Relievers

''Sec. 4191. Opioid pain relievers.

"SEC. 4191. OPIOID PAIN RELIEVERS.

''(a) IN GENERAL.—There is hereby imposed on the sale of any active opioid by the manufacturer, producer, or importer a fee equal to 1 cent per milligram so sold.

''(b) ACTIVE OPIOID.—For purposes of this section—

''(1) IN GENERAL.—The term 'active opioid' means any controlled substance (as defined in section 102 of the Controlled Substances Act, as in effect on the date of the enactment of this section) which is opium, an opiate, or any derivative thereof.

''(2) EXCLUSION FOR CERTAIN PRESCRIPTION MEDICATIONS.—Such term shall not include any prescribed drug which is used exclusively for the treatment of opioid addiction as part of a medically assisted treatment effort.

''(3) EXCLUSION OF OTHER INGREDIENTS.—In the case of a product that includes an active opioid and another ingredient, subsection (a) shall apply only to the portion of such product that is an active opioid.''.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 32 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subchapter D the following new item:

''SUBCHAPTER E. CERTAIN OPIOID PAIN RELIEVERS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales on or after the later of—

(1) the date which is 1 year after the date of the enactment of this Act; or

(2) the date on which the Secretary of Health and Human Services establishes the mechanism described in subsection (d)(1).

(d) REBATE OR DISCOUNT PROGRAM FOR CERTAIN CANCER AND HOSPICE PATIENTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with patient advocacy groups and other relevant stakeholders as determined by such Secretary, shall establish a mechanism by which—

(A) any amount paid by an eligible patient in connection with the stewardship fee under section 4191 of the Internal Revenue Code of 1986 (as added by this section) shall be rebated to such patient in as timely a manner as possible, or

(B) amounts paid by an eligible patient for active opioids (as defined in section 4191(b) of such Code) are discounted at time of payment or purchase to ensure that such patient does not pay any amount attributable to such fee, with as little burden on the patient as possible. The Secretary shall choose whichever of the options described in subparagraph (A) or (B) is, in the Secretary's determination, most effective and efficient in ensuring eligible patients face no economic burden from such fee.

(2) ELIGIBLE PATIENT.—For purposes of this subsection, the term ''eligible patient'' means—

(A) a patient for whom any active opioid (as so defined) is prescribed to treat pain relating to cancer or cancer treatment;

(B) a patient participating in hospice care;

(C) a patient with respect to whom the prescriber of the applicable opioid determines that other non-opioid pain management treatments are inadequate or inappropriate; and

(D) in the case of the death or incapacity of a patient described in subparagraph (A), (B), or (C), or any similar situation as determined by the Secretary of Health and Human Services, the appropriate family member, medical proxy, or similar representative or the estate of such patient.

SEC. 5002. BLOCK GRANTS FOR PREVENTION AND TREATMENT OF SUBSTANCE ABUSE.

(a) GRANTS TO STATES.—Section 1921(b) of the Public Health Service Act (42 U.S.C. 300x–21(b)) is amended by inserting '', and, as applicable, for carrying out section 1923A'' before the period.

(b) NONAPPLICABILITY OF PREVENTION PROGRAM PROVISION.—Section 1922(a)(1) of the Public Health Service Act (42 U.S.C. 300x–22(a)(1)) is amended by inserting ''except with respect to amounts made available as described in section 1923A,'' before ''will expend''.

(c) OPIOID TREATMENT PROGRAMS.—Subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) is amended by inserting after section 1923 the following:

"SEC. 1923A. ADDITIONAL SUBSTANCE ABUSE TREATMENT PROGRAMS.

''A funding agreement for a grant under section 1921 is that the State involved shall provide that any amounts made available by any increase in revenues to the Treasury in the previous fiscal year resulting from the enactment of section 4191 of the Internal Revenue Code of 1986, reduced by any amounts rebated or discounted under section 5001(d) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (as described in section 1933(a)(1)(B)(i)) be used exclusively for substance abuse (including opioid abuse) treatment efforts in the State, including—

''(1) treatment programs—

''(A) establishing new addiction treatment facilities, residential and outpatient, including covering capital costs;

''(B) establishing sober living facilities;

''(C) recruiting and increasing reimbursement for certified mental health providers providing substance abuse treatment in medically underserved communities or communities with high rates of prescription drug abuse;

''(D) expanding access to long-term, residential treatment programs for opioid addicts (including 30-, 60-, and 90-day programs);

''(E) establishing or operating support programs that offer employment services, housing, and other support services to help recovering addicts transition back into society;

''(F) establishing or operating housing for children whose parents are participating in substance abuse treatment programs, including capital costs;

''(G) establishing or operating facilities to provide care for babies born with neonatal abstinence syndrome, including capital costs; and

''(H) other treatment programs, as the Secretary determines appropriate; and

''(2) recruitment and training of substance use disorder professionals to work in rural and medically underserved communities.''.

(d) ADDITIONAL FUNDING.—Section 1933(a)(1)(B)(i) of the Public Health Service Act (42 U.S.C. 300x–33(a)(1)(B)(i)) is amended by inserting '', plus any increase in revenues to the Treasury in the previous fiscal year resulting from the enactment of section 4191 of the Internal Revenue Code of 1986, reduced by any amounts rebated or discounted under section 5001(d) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023'' before the period.

SEC. 5003. REPORT.

Not later than 2 years after the date described in section 5001(c), the Secretary of Health and Human Services shall submit to Congress a report on the impact of the amendments made by sections 5001 and 5002 on—

(1) the retail cost of active opioids (as defined in section 4191 of the Internal Revenue Code of 1986, as added by section 5001);

(2) patient access to such opioids, particularly cancer and hospice patients, including the effect of the discount or rebate on such opioids for cancer and hospice patients under section 5001(d);

(3) how the increase in revenue to the Treasury resulting from the enactment of section 4191 of the Internal Revenue Code of 1986 is used to improve substance abuse treatment efforts in accordance with section 1923A of the Public Health Service Act (as added by section 5002); and

(4) suggestions for improving—

(A) access to opioids for cancer and hospice patients; and

(B) substance abuse treatment efforts under such section 1923A.

SA 6203. 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. ___. EVIDENCE-BASED CURRICULUM ON SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—

(1) DEVELOPMENT AND DISSEMINATION OF CURRICULUM.—The Secretary of Education, in consultation with the partners described in paragraph (2), shall develop and disseminate an evidence-based curriculum for kindergarten through grade 12 on educating students at an age-appropriate level on the dangers and harmful impacts of substances that focuses on opioids, vaping, synthetic drugs, and other related substances of misuse.

(2) PARTNERS.—The partners described in this paragraph are the following:

(A) The Assistant Secretary of the Substance Abuse and Mental Health Services Administration.

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

(C) The Assistant Secretary of the Administration for Children and Families.

(D) The Commissioner of Food and Drugs.

(E) The Director of the National Institute on Drug Abuse or a designee of the Director from the National Institute on Drug Abuse.

(F) The Director of the National Institute on Alcohol Abuse and Alcoholism or a designee of the Director from the National Institute on Alcohol Abuse and Alcoholism.

(G) The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice or a designee of the Administrator from the Office of Juvenile Justice and Delinquency Prevention.

(H) The Director of the Office of National Drug Control Policy.

(3) ADDITIONAL CONSULTATION.—The Secretary of Education may also consult with State educational agencies, local educational agencies, and single State agencies during the development of the evidence-based curriculum under paragraph (1).

(4) REVIEW AND UPDATE.—The Secretary of Education, in consultation with the partners described in paragraph (2), shall review and update the evidence-based curriculum developed under paragraph (1) every 2 years.

(b) COMPETITIVE GRANT PROGRAM.—

(1) IN GENERAL.—Beginning the first fiscal year following the completion of the development of the evidence-based curriculum

under subsection (a)(1), the Secretary of Education, in consultation with the Assistant Secretary for Mental Health and Substance Use, shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to implement the evidence-based curriculum. The Secretary of Education shall award not less than 10 grants during each grant cycle.

(2) APPLICATION.—A State educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may require.

(3) PREFERENCE.—In awarding grants under this subsection, the Secretary of Education shall give preference to States that have experienced the highest drug overdose death rates.

(4) SUBCONTRACT.—A State educational agency that receives a grant under this subsection may subcontract with community coalitions that are currently, as of the date of application, a recipient of a grant under section 1032 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1532), to implement the evidence-based curriculum, as needed.

(5) ANNUAL REPORT.—Each State educational agency that receives a grant under this subsection shall provide an annual report to the Secretary of Education and the Assistant Secretary for Mental Health and Substance Use on the State educational agency's curriculum implementation progress and program reach, in order to monitor the quality of implementation of the evidence-based curriculum.

(c) DEFINITIONS.—In this section:

(1) EVIDENCE-BASED.—The term ''evidence-based'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SINGLE STATE AGENCY.—The term ''single State agency'' means the State agency responsible for administering the substance abuse prevention and treatment block grant under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.).

(3) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(d) FUNDING.—There are authorized to be appropriated to carry out this section such sums as may be necessary for the period of fiscal years 2023 through 2032.

SA 6204. Mr. MANCHIN (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 appropriate place, insert the following:

SEC. _____. REQUIREMENT FOR APPROVAL OF NEW OPIOID ANALGESICS.

Section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)) is amended by adding at the end the following:

''(6) Notwithstanding any other provision of this section, the Secretary may deny approval of an application submitted under subsection (b) for an opioid analgesic drug if the Secretary determines that such drug does not provide a significant advantage or clinical superiority, in terms of greater safety or effectiveness, compared to an appropriate comparator drug, as determined by the Secretary.''.

SA 6205. 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 end of subtitle C of title VII, add the following:

SEC. 753. COMPTROLLER GENERAL STUDY ON COVERAGE OF MENTAL HEALTH DISORDERS UNDER TRICARE PROGRAM AND RELATIONSHIP TO CERTAIN MENTAL HEALTH PARITY LAWS.

(a) STUDY AND REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to identify and assess the similarities and differences with respect to coverage of mental health disorders under the TRICARE program and coverage requirements under mental health parity laws; and

(2) submit a report containing the findings of such study to—

(A) the Secretary of Defense and the congressional defense committees; and

(B) with respect to any findings concerning the Coast Guard when it is not operating as a service in the Department of the Navy, the Secretary of Homeland Security, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a)(2) shall include the following:

(1) A description of any overlaps or gaps between coverage requirements under the TRICARE program and under the mental health parity laws with respect to treatment for the continuum of mental health disorders (including substance use disorder).

(2) An identification of any existing or anticipated effects of any such overlaps or gaps on access to care by beneficiaries under the TRICARE program.

(3) An identification of denial rates under the TRICARE program for requests by beneficiaries for coverage of mental or behavioral health care services and the overturn rates of appeals for such requests, disaggregated by type of health care service.

(4) A list of each mental or behavioral health care provider type that is not an authorized provider type under the TRICARE program.

(5) An identification of any anticipated effects of modifying coverage requirements under the TRICARE program to bring such requirements into conformity with mental health parity laws, including an assessment of the following:

(A) Potential costs to the Department of Defense, the Department of Homeland Security (with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy), and beneficiaries under the TRICARE program as a result of such modification.

(B) The adequacy of the TRICARE program network to support such modification.

(C) Potential effects of such modification on access to care by beneficiaries under the TRICARE program.

(D) Such other matters as may be determined appropriate by the Comptroller General.

(c) BRIEFING.—Not later than 120 days after the date on which the Secretaries receive the report submitted under subsection (a), the Secretaries shall provide to the congressional defense committees a briefing on any statutory changes the Secretaries determine necessary to close gaps in the coverage of mental health disorders under the TRICARE program, including any such gaps identified in the report, to bring such coverage into conformity with requirements under mental health parity laws.

(d) DEFINITIONS.—In this section:

(1) The term ''mental health parity laws'' means—

(A) section 2726 of the Public Health Service Act (42 U.S.C. 300gg–26);

(B) section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a);

(C) section 9812 of the Internal Revenue Code of 1986; or

(D) any other Federal law that applies the requirements under any of the sections described in subparagraph (A), (B), or (C), or requirements that are substantially similar to those provided under any such section, as determined by the Comptroller General of the United States.

(2) The term ''Secretaries'' means—

(A) the Secretary of Defense; and

(B) with respect to any matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy, the Secretary of Homeland Security.

(3) The term ''TRICARE program'' has the meaning given such term in section 1072 of title 10, United States Code.

SA 6206. 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 end, add the following:

DIVISION E—9/11 RESPONDER AND SURVIVOR HEALTH FUNDING CORRECTION ACT

SEC. 5001. SHORT TITLE.

This division may be cited as the ''9/11 Responder and Survivor Health Funding Correction Act''.

SEC. 5002. FLEXIBILITY FOR CERTIFICATIONS UNDER THE WORLD TRADE CENTER HEALTH PROGRAM.

(a) IN GENERAL.—Section 3305(a) of the Public Health Service Act (42 U.S.C. 300mm–4(a)) is amended—

(1) in paragraph (1)(A), by inserting ''subject to paragraph (6),'' before ''for''; and

(2) by adding at the end the following:

''(6) LICENSED HEALTH CARE PROVIDER FLEXIBILITY.—

''(A) IN GENERAL.—For purposes of an initial health evaluation described in paragraph (1)(A) (including any such evaluation provided under section 3321(b) or through the nationwide network under section 3313), such evaluation may be conducted by a physician or any other licensed health care provider in a category of health care providers determined by the WTC Program Administrator under subparagraph (B).

''(B) CATEGORIES OF LICENSED HEALTH CARE PROVIDERS.—Not later than 180 days after the date of enactment of the 9/11 Responder and Survivor Health Funding Correction Act, the WTC Program Administrator shall issue regulations for the categories of licensed health care providers who, in addition to licensed physicians, may conduct evaluations under subparagraph (A) and make determinations under section 3312(b).''.

(b) FLEXIBILITY FOR WTC RESPONDERS.—Section 3312(b) of such Act (42 U.S.C. 300mm–22(b)) is amended—

(1) in paragraph (1), by striking ''physician'' each place it appears and inserting ''physician or other licensed health care provider in a category determined by the WTC Program Administrator under section 3305(a)(6)(B)'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''physician'' and inserting ''physician or other licensed health care provider in a category determined by the WTC Program Administrator under section 3305(a)(6)(B)'';

(ii) in clause (i), by striking ''physician'' and inserting ''physician or other licensed health care provider''; and

(iii) in clause (ii), by striking ''such physician's determination'' and inserting ''the determination of such physician or other licensed health care provider''; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''physician determinations'' and inserting ''determinations by physicians or other licensed health care providers in categories determined by the WTC Program Administrator under section 3305(a)(6)(B)''; and

(ii) in clause (i), by striking ''physician panel'' and inserting ''panel of physicians or other licensed health care providers in categories determined by the WTC Program Administrator under section 3305(a)(6)(B)''; and

(3) in paragraph (5), by striking ''examining physician'' and inserting ''examining physician or other licensed health care provider in a category determined by the WTC Program Administrator under section 3305(a)(6)(B)''.

SEC. 5003. CRITERIA FOR CREDENTIALING HEALTH CARE PROVIDERS PARTICIPATING IN THE NATIONWIDE NETWORK.

Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended—

(1) in section 3305(a)(2) (42 U.S.C. 300mm–4(a)(2))—

(A) in subparagraph (A)—

(i) by striking clause (iv); and

(ii) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively;

(B) by striking subparagraph (B); and

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

(2) in section 3313(b)(1) (42 U.S.C. 300mm–23(b)(1)), by striking ''Data Centers'' and inserting ''WTC Program Administrator''.

SEC. 5004. DEPARTMENT OF DEFENSE, ARMED FORCES, OR OTHER FEDERAL WORKER RESPONDERS TO THE SEPTEMBER 11 ATTACKS AT THE PENTAGON AND SHANKSVILLE, PENNSYLVANIA.

Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended—

(1) in section 3306 (42 U.S.C. 300mm–5)—

(A) by redesignating paragraphs (5) through (11) and paragraphs (12) through (17) as paragraphs (6) through (12) and paragraphs (14) through (19), respectively;

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

''(5) FEDERAL AGENCY.—The term 'Federal agency' means an agency, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.''; and

(C) by inserting after paragraph (12), as so redesignated, the following:

''(13) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given the term in section 101(a) of title 10, United States Code.''; and

(2) in section 3311(a)(2)(C)(i) (42 U.S.C. 300mm–21(a)(2)(C)(i))—

(A) in subclause (I), by inserting ''was an employee of the Department of Defense or any other Federal agency, worked during the period beginning on September 11, 2001, and ending on September 18, 2001, for a contractor of the Department of Defense or any other Federal agency, was a member of a regular or reserve component of the uniformed services,'' before ''was a member''; and

(B) in subclause (II), by inserting ''was an employee of the Department of Defense or any other Federal agency, worked during the period beginning on September 11, 2001, and ending on September 18, 2001, for a contractor of the Department of Defense or any other Federal agency, was a member of a regular or reserve component of the uniformed services,'' before ''was a member''.

SEC. 5005. CLARIFYING CALCULATION OF ENROLLMENT.

(a) RESPONDERS.—Section 3311(a) of such Act (42 U.S.C. 300mm–21(a)) is amended by adding at the end the following:

''(6) DECEASED WTC RESPONDERS.—An individual known to the WTC Program Administrator to be deceased shall not be included in any count of enrollees under this subsection or section 3351.''.

(b) SURVIVORS.—Section 3321(a) of such Act (42 U.S.C. 300mm–31(a)) is amended by adding at the end the following:

''(5) DECEASED WTC SURVIVORS.—An individual known to the WTC Program Administrator to be deceased shall not be included in any count of certified-eligible survivors under this section or in any count of enrollees under section 3351.''.

SEC. 5006. RESEARCH COHORT FOR EMERGING HEALTH IMPACTS ON YOUTH.

(a) IN GENERAL.—Section 3341 of the Public Health Service Act (42 U.S.C. 300mm–51) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''With respect'' through ''subtitle B, the'' and inserting ''The''; and

(B) by striking ''of such individuals'' each place it appears;

(2) in subsection (b)(1), by inserting ''and individuals who were exposed to airborne toxins, or any other hazard or adverse condition, resulting from the September 11, 2001, terrorist attacks'' after ''treatment'';

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

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

''(c) RESEARCH COHORT FOR EMERGING HEALTH IMPACTS ON YOUTH.—

''(1) IN GENERAL.—The WTC Program Administrator, in consultation with the Secretary of Education, shall establish a research cohort of sufficient size to conduct future research studies on the health and educational impacts of exposure to airborne toxins, or any other hazard or adverse condition, resulting from the September 11, 2001, terrorist attacks, including on the population of individuals who were 21 years of age or younger at the time of exposure, including such individuals who are screening-eligible WTC survivors or certified-eligible WTC survivors.

''(2) POPULATIONS STUDIED.—The research cohort under paragraph (1) may include—

''(A) individuals who, on September 11, 2001, were 21 years of age or younger and were—

''(i) outside the New York City disaster area; and

''(ii) in—

''(I) the area of Manhattan not further north than 14th Street; or

''(II) Brooklyn; and

''(B) control populations, including populations of individuals who, on September 11, 2001, were 21 years of age or younger.''.

(b) SPENDING LIMITATION EXEMPTION.—Section 3351(c)(5) of such Act (42 U.S.C. 300mm–61(c)(5)) is amended in the matter preceding subparagraph (A), by inserting ''(other than for the purpose of establishing and maintaining the research cohort described in subsection (c) of such section)'' after ''section 3341''.

(c) CONFORMING AMENDMENT.—Section 3301(f)(2)(E) of such Act (42 U.S.C. 300mm(f)(2)(E)) is amended by striking ''section 3341(a)'' and inserting ''subsection (a) or (c) of section 3341''.

SEC. 5007. FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.

(a) FEDERAL FUNDING.—Section 3351 of the Public Health Service Act (42 U.S.C. 300mm–61) is amended—

(1) in subsection (a)(2)(A)—

(A) in clause (x), by striking ''and'';

(B) in clause (xi)—

(i) by striking ''subsequent fiscal year through fiscal year 2090'' and inserting ''of fiscal years 2026 through 2032''; and

(ii) by striking ''plus'' and inserting ''and''; and

(C) by adding at the end the following:

''(xii) for each of fiscal years 2033 through 2090—

''(I) the amount determined under this subparagraph for the previous fiscal year (plus, as applicable, the amount expended from the Supplemental Fund under section 3352 in the previous fiscal year and the amount expended from the Fund in the previous fiscal year that was deposited in any year prior to the previous fiscal year) multiplied by 1.05; multiplied by

''(II) the ratio of—

''(aa) the total number of individuals enrolled in the WTC program on July 1 of such previous fiscal year; to

''(bb) the total number of individuals so enrolled on July 1 of the fiscal year prior to such previous fiscal year; plus''; and

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

''(3) EDUCATION AND OUTREACH.—For the purpose of carrying out section 3303—

''(A) for each of fiscal years 2016 through 2023, $750,000; and

''(B) for fiscal year 2024 and each subsequent fiscal year, $2,000,000.'';

(B) in paragraph (4)—

(i) by amending subparagraph (A) to read as follows:

''(A) for fiscal year 2023, the amount determined for such fiscal year under this paragraph as in effect on the day before the date of enactment of the 9/11 Responder and Survivor Health Funding Correction Act''; and

(ii) in subparagraph (B), by striking ''2017, $15,000,000'' and inserting ''2024, $20,000,000''; and

(C) in paragraph (5)—

(i) by amending subparagraph (A) to read as follows:

''(A) for fiscal year 2023, the amount determined for such fiscal year under this paragraph as in effect on the day before the date of enactment of the 9/11 Responder and Survivor Health Funding Correction Act;'';

(ii) by redesignating subparagraph (B) as subparagraph (C); and

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

''(B) for fiscal year 2024, $20,000,000; and''.

(b) SUPPLEMENTAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.—

(1) IN GENERAL.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended by adding at the end the following:

''SEC. 3352. SUPPLEMENTAL FUND.

''(a) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Supplemental Fund (referred to in this section as the 'Supplemental Fund'), consisting of amounts deposited into the Fund under subsection (b).

''(b) AMOUNT.—Out of any money in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2022 $3,064,535,940, for deposit into the Supplemental Fund, which amounts shall remain available through fiscal year 2032.

''(c) USES OF FUNDS.—Amounts deposited into the Supplemental Fund under subsection (b) shall be available, without further appropriation and without regard to any spending limitation under section 3351(c), to the WTC Program Administrator as needed at the discretion of such Administrator for carrying out any provision in this title, including sections 3303 and 3341(c).

''(d) RETURN OF FUNDS.—Any amounts that remain in the Supplemental Fund on September 30, 2032, shall be deposited into the Treasury as miscellaneous receipts.''.

(2) CONFORMING AMENDMENTS.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended—

(A) in section 3311(a)(4)(B)(i)(II) (42 U.S.C. 300mm–21(a)(4)(B)(i)(II)), by striking ''section 3351'' and inserting ''sections 3351 and 3352'';

(B) in section 3321(a)(3)(B)(i)(II) (42 U.S.C. 300mm–31(a)(3)(B)(i)(II)), by striking ''section 3351'' and inserting ''sections 3351 and 3352'';

(C) in section 3331 (42 U.S.C. 300mm–41)—

(i) in subsection (a), by inserting ''and the World Trade Center Health Program Supplemental Fund'' before the period at the end; and

(ii) in subsection (d)—

(I) in paragraph (1)(B)(i), as amended by subsection (c)(1), by inserting ''(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under section 3352)'' before the period at the end; and

(II) in paragraph (2), in the flush text following subparagraph (C), by inserting ''(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under section 3352)'' before the period at the end; and

(D) in section 3351(b) (42 U.S.C. 300mm–61(b))—

(i) in paragraph (2), by inserting ''or as available from the World Trade Center Health Program Supplemental Fund under section 3352'' before the period at the end; and

(ii) in paragraph (3), by inserting ''or as available from the World Trade Center Health Program Supplemental Fund under section 3352'' before the period at the end.

(c) REQUIRED CONTRIBUTION BY NEW YORK CITY.—Section 3331(d)(1)(B) of such Act (42 U.S.C. 300mm–41(d)(1)(B)) is amended—

(1) by striking ''(B) FULL CONTRIBUTION AMOUNT.—Under'' and inserting the following:

''(B) FULL CONTRIBUTION AMOUNT.—

''(i) IN GENERAL.—Under'';

(2) by striking ''fiscal year 2090'' and inserting ''fiscal year 2032''; and

(3) by adding at the end the following:

''(ii) AFTER FISCAL YEAR 2032.—Under such contract, with respect to each calendar quarter of fiscal year 2033 and of each subsequent fiscal year through fiscal year 2090, the full contribution amount under this subparagraph shall be equal to—

''(I) 10 percent of the expenditures in carrying out this title for the respective quarter; multiplied by

''(II) the ratio of—

''(aa) the number of individuals receiving any monitoring, treatment, evaluation, or other benefits under this title who at any time during the prior calendar year lived in New York City; to

''(bb) the total number of individuals receiving any monitoring, treatment, evaluation, or other benefits under this title for such prior calendar year.''.

SA 6207. Mr. MERKLEY (for himself, Mr. VAN HOLLEN, Mr. SANDERS, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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 ISRAELI SETTLEMENT ACTIVITY IN OCCUPIED WEST BANK.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate committees of Congress a report that assesses the status of Israeli settlement activity in the occupied West Bank.

(b) ELEMENTS.—The report required by subsection (a) shall include the following with respect to Israeli settlement activity in the West Bank:

(1) The number of permits, tenders, and housing starts approved by the Government of Israel for settlement construction and the locations concerned.

(2) The number and locations of new outposts established without the approval of the Government of Israel.

(3) The number and locations of outposts established without the approval of the Government of Israel that were retroactively legalized.

(4) An assessment of the impact of settlements and outposts on—

(A) the freedom of movement, livelihoods, and quality of life of Palestinians; and

(B) the potential for establishing in the future a viable Palestinian state.

(5) The number and locations of demolitions of homes, businesses, or infrastructure owned by, or primarily serving, Palestinians.

(6) The number and locations of evictions of Palestinians from their places of residence.

(7) The number of permits issued for Palestinians in East Jerusalem and the West Bank territory designated under the Oslo Accords as ''Area C''.

(8) An analysis of the impact any change in the matters described in paragraphs (1) through (7) would have on—

(A) the diplomatic posture of the United States globally; and

(B) the national security of the United States.

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

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

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

SA 6208. Ms. DUCKWORTH (for herself, Mr. KENNEDY, Mrs. GILLIBRAND, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. ENHANCED DOMESTIC CONTENT REQUIREMENT FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the domestic source content of procurements carried out in connection with a major defense acquisition program.

(2) INFORMATION REPOSITORY.—The Secretary of Defense shall establish an information repository for the collection and analysis of information related to domestic source content for products the Secretary deems critical, where such information can be used for continuous data analysis and program management activities.

(b) ENHANCED DOMESTIC CONTENT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of chapter 83 of title 41, United States Code, manufactured articles, materials, or supplies procured in connection with a major defense acquisition program are manufactured substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States if the cost of such component articles, materials, or supplies—

(A) supplied not later than the date of the enactment of this Act, exceeds 60 percent of cost of the manufactured articles, materials, or supplies procured;

(B) supplied during the period beginning January 1, 2024, and ending December 31, 2028, exceeds 65 percent of the cost of the manufactured articles, materials, or supplies; and

(C) supplied on or after January 1, 2029, exceeds 75 percent of the cost of the manufactured articles, materials, or supplies.

(2) EXCLUSION FOR CERTAIN MANUFACTURED ARTICLES.—Paragraph (1) shall not apply to manufactured articles that consist wholly or predominantly of iron, steel, or a combination of iron and steel.

(3) RULEMAKING TO CREATE A FALLBACK THRESHOLD.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue rules to determine the treatment of the lowest price offered for a foreign end product for which 55 percent or more of the component articles, materials, or supplies of such foreign end product are manufactured substantially all from articles, materials, or supplies mined,

produced, or manufactured in the United States if—

(i) the application of paragraph (1) results in an unreasonable cost; or

(ii) no offers are submitted to supply manufactured articles, materials, or supplies manufactured substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

(B) TERMINATION.—Rules issued under this paragraph shall cease to have force or effect on January 1, 2030.

(4) APPLICABILITY.—The requirements of this subsection—

(A) shall apply to contracts entered into on or after the date of the enactment of this Act; and

(B) shall be applied in a manner consistent with the obligations of the United States under any relevant international agreement.

(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—The term ''major defense acquisition program'' has the meaning given the term in section 4201 of title 10, United States Code.

SA 6209. Mrs. GILLIBRAND (for herself, Mr. BLUMENTHAL, and Mrs. BLACKBURN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. PILOT GRANT PROGRAM TO SUPPLEMENT THE TRANSITION ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall carry out a pilot grant program under which the Secretary of Defense provides enhanced support and funding to eligible entities to supplement TAP to provide job opportunities for industry recognized certifications, job placement assistance, and related employment services directly to covered individuals.

(b) SERVICES.—Under the pilot grant program, the Secretary of Defense shall provide grants to eligible entities to provide to covered individuals the following services:

(1) Using an industry-validated screening tool, assessments of prior education, work history, and employment aspirations of covered individuals to tailor appropriate and employment services.

(2) Preparation for civilian employment through services like mock interviews and salary negotiations, training on professional networking platforms, and company research.

(3) Several industry-specific learning pathways—

(A) with entry-level, mid-level, and senior versions;

(B) in fields such as project management, cybersecurity, and information technology;

(C) in which each covered individual works with an academic advisor to choose a career pathway and navigate coursework during the training process; and

(D) in which each covered individual can earn industry-recognized credentials and certifications, at no charge to the covered individual.

(4) Job placement services.

(c) PROGRAM ORGANIZATION AND IMPLEMENTATION MODEL.—The pilot grant program shall follow existing economic opportunity program models that combine industry-recognized certification training, furnished by professionals, with online learning staff.

(d) CONSULTATION.—In carrying out the program, the Secretary of Defense shall seek to consult with private entities to assess the best economic opportunity program models, including existing economic opportunity models furnished through public-private partnerships.

(e) ELIGIBILITY.—To be eligible to receive a grant under the pilot grant program, an entity shall—

(1) follow a job training and placement model;

(2) have rigorous program evaluation practices;

(3) have established partnerships with entities (such as employers, governmental agencies, and nonprofit entities) to provide services described in subsection (b);

(4) have online training capability to reach rural veterans, reduce costs, and comply with new conditions forced by COVID–19; and

(5) have a well-developed practice of program measurement and evaluation that evinces program performance and efficiency, with data that is high quality and shareable with partner entities.

(f) COORDINATION WITH FEDERAL ENTITIES.—A grantee shall coordinate with Federal entities, including—

(1) the Office of Transition and Economic Development of the Department of Veterans Affairs; and

(2) the Office of Veteran Employment and Transition Services of the Department of Labor.

(g) METRICS AND EVALUATION.—Performance outcomes shall be verifiable using a third-party auditing method and include the following:

(1) The number of covered individuals who receive and complete skills training.

(2) The number of covered individuals who secure employment.

(3) The retention rate for covered individuals described in paragraph (2).

(4) Median salary of covered individuals described in paragraph (2).

(h) SITE LOCATIONS.—The Secretary of Defense shall select five military installations in the United States where existing models are successful.

(i) ASSESSMENT OF POSSIBLE EXPANSION.—A grantee shall assess the feasibility of expanding the current offering of virtual training and career placement services to members of the reserve components of the Armed Forces and covered individuals outside the United States.

(j) DURATION.—The pilot grant program shall terminate on September 30, 2026.

(k) REPORT.—Not later than 180 days after the termination of the pilot grant program, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(1) a description of the pilot grant program, including a description of specific activities carried out under this section; and

(2) the metrics and evaluations used to assess the effectiveness of the pilot grant program.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 301 for operation and maintenance, as specified in the funding table in section 4301, is increased by $5,000,000, with the amount of such increase to be available for the Army for other personnel support for the purpose of carrying out the pilot grant program under this section.

(2) OFFSET.—The amount of the increase specified in paragraph (1) shall be offset by reducing on a pro rata basis the accounts and funds for which amounts are authorized to be appropriated by section 301 for operation and maintenance (other than the other personnel support account of the Army).

(m) DEFINITIONS.—In this section:

(1) COVERED INDIVIDUAL.—The term ''covered individual'' means—

(A) a member of the Armed Forces participating in TAP; or

(B) a spouse of a member described in subparagraph (A).

(2) MILITARY INSTALLATION.—The term ''military installation'' has the meaning given such term in section 2801 of title 10, United States Code.

(3) TAP.—The term ''TAP'' means the transition assistance program of the Department of Defense under sections 1142 and 1144 of title 10, United States Code.

SA 6210. Mrs. GILLIBRAND (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 VII, add the following:

SEC. 753. STUDY ON TRAINING GAPS OF COVERED PROVIDERS WITH RESPECT TO SCREENING AND TREATMENT OF MATERNAL MENTAL HEALTH CONDITIONS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Health Affairs, shall conduct a study to identify gaps in the training of covered providers with respect to the screening and treatment of maternal mental health conditions.

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

(A) an assessment of the level of experience of covered providers with, and the attitudes of such providers on, the screening, referral, and treatment of pregnant and postpartum women with a mental health condition or substance use disorder; and

(B) recommendations for the training of covered providers, considering any gaps in the training of such providers that are identified in the study.

(b) REPORT.—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 containing the findings of the study conducted under subsection (a).

(c) COVERED PROVIDER DEFINED.—In this section, the term ''covered provider'' means a maternal health care provider or behavioral health provider furnishing services at a military medical treatment facility.

SA 6211. Mrs. GILLIBRAND (for herself and Mr. SASSE) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities

of the Department of Defense, for military construction, and for defense activities of the Department of 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 521, strike line 22 and all that follows through page 522, line 14, and insert the following:

(d) POST-AWARD EMPLOYMENT OBLIGATIONS.—Each scholarship recipient, as a condition of receiving a scholarship under the Program, shall enter into an agreement under which the recipient agrees to work for a period equal to the length of the scholarship, following receipt of the student's degree or specialized program certification, in the cybersecurity mission of—

(1) an executive agency (as defined in section 105 of title 5, United States Code); or

(2) Congress, including any agency, entity, office, or commission established in the legislative branch.

(e) HIRING AUTHORITY.—

(1) APPOINTMENT IN EXCEPTED SERVICE.—Notwithstanding any provision of chapter 33 of title 5, United States Code, governing appointments in the competitive service, a Federal agency shall appoint in the excepted service an individual who has completed the eligible degree program for which a scholarship was awarded under the Program.

(2) NONCOMPETITIVE CONVERSION.—Except as provided in paragraph (4), upon fulfillment of the service term, an employee appointed under paragraph (1) may be converted noncompetitively to term, career-conditional, or career appointment.

(3) TIMING OF CONVERSION.—An agency may noncompetitively convert a term employee appointed under paragraph (2) to a career-conditional or career appointment before the term appointment expires.

(4) AUTHORITY TO DECLINE CONVERSION.—An agency may decline to make the noncompetitive conversion or appointment under paragraph (2) for cause.

SA 6212. Mr. REED submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. PILOT PROGRAM TO REHABILITATE AND MODIFY HOMES OF DISABLED AND LOW-INCOME VETERANS.

Section 1079 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (38 U.S.C. 2101 note; Public Law 113–291) is amended—

(1) in subsection (a)(7), by striking ''or statewide'' and inserting '', regional, statewide, or local''; and

(2) in subsection (b)—

(A) in paragraph (1)(C)—

(i) in the subparagraph heading, by striking ''MAXIMUM GRANT'' and inserting ''GRANT AMOUNT''; and

(ii) by striking ''not exceed $1,000,000'' and inserting ''be not less than $250,000 and not more than $1,500,000''; and

(B) paragraph (6)(A), by striking ''50'' and inserting ''25''.

SA 6213. Ms. WARREN (for herself, Mr. KING, Mr. DURBIN, 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:

TITLE ____—DIGITAL ASSET SANCTIONS COMPLIANCE ENHANCEMENT

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Digital Asset Sanctions Compliance Enhancement Act of 2022''.

SEC. ___02. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term ''appropriate congressional committees and leadership'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the majority and minority leaders of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the speaker, the majority leader, and the minority leader of the House of Representatives.

(2) DIGITAL ASSETS.—The term ''digital assets'' means any digital representation of value, financial assets and instruments, or claims that are used to make payments or investments, or to transmit or exchange funds or the equivalent thereof, that are issued or represented in digital form through the use of distributed ledger technology.

(3) DIGITAL ASSET TRADING PLATFORM.—The term ''digital asset trading platform'' means a person, or group of persons, that operates as an exchange or other trading facility for the purchase, sale, lending, or borrowing of digital assets.

(4) DIGITAL ASSET TRANSACTION FACILITATOR.—The term ''digital asset transaction facilitator'' means—

(A) any person, or group of persons, that significantly and materially facilitates the purchase, sale, lending, borrowing, exchange, custody, holding, validation, or creation of digital assets on the account of others, including any communication protocol, decentralized finance technology, smart contract, or other software, including open-source computer code—

(i) deployed through the use of distributed ledger or any similar technology; and

(ii) that provides a mechanism for multiple users to purchase, sell, lend, borrow, or trade digital assets; and

(B) any person, or group of persons, that the Secretary of the Treasury otherwise determines to be significantly and materially facilitating digital assets transactions in violation of sanctions.

(5) FOREIGN PERSON.—The term ''foreign person'' means an individual or entity that is not a United States person.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. ___03. IMPOSITION OF SANCTIONS WITH RESPECT TO THE USE OF DIGITAL ASSETS TO FACILITATE TRANSACTIONS BY RUSSIAN PERSONS SUBJECT TO SANCTIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, and periodically thereafter as necessary, the President shall submit to Congress a report identifying any foreign person that—

(1) operates a digital asset trading platform or is a digital asset transaction facilitator; and

(2)(A) has significantly and materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of any person with respect to which sanctions have been imposed by the United States relating to the Russian Federation, including by facilitating transactions that evade such sanctions; or

(B) is owned or controlled by, or acting or purporting to act for or on behalf of, any person with respect to which sanctions have been imposed by the United States relating to the Russian Federation.

(b) IMPOSITION OF SANCTIONS.—The President may exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person identified in a report submitted under subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702, 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) NATIONAL SECURITY WAIVER.—The President may waive the imposition of sanctions under this section with respect to a person if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to Congress a notification of the waiver and the reasons for the waiver.

(e) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—This section shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under subsection (b) shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD.—In this paragraph, the term ''good'' means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. ___04. DISCRETIONARY PROHIBITION OF TRANSACTIONS.

The Secretary of the Treasury may require that no digital asset trading platform or digital asset transaction facilitator that does business in the United States transact with, or fulfill transactions of, digital asset addresses that are known to be, or could reasonably be known to be, affiliated with persons headquartered or domiciled in the Russian Federation if the Secretary—

(1) determines that exercising such authority is important to the national interest of the United States; and

(2) not later than 90 days after exercising the authority described in paragraph (1), submits to the appropriate congressional committees and leadership a report on the basis for any determination under that paragraph.

SEC. ___05. TRANSACTION REPORTING.

Not later than 120 days after the date of enactment of this Act, the Financial Crimes Enforcement Network shall require United States persons engaged in a transaction with a value greater than $10,000 in digital assets through 1 or more accounts outside of the United States to file a report described in section 1010.350 of title 31, Code of Federal Regulations, using the form described in that section, in accordance with section 5314 of title 31, United States Code.

SEC. ___06. REPORTS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees and leadership a report on the progress of the Department of the Treasury in carrying out this title, including any resources needed by the Department to improve implementation and progress in coordinating with governments of countries that are allies or partners of the United States.

(b) OTHER REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and every year thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees and leadership and make publicly available a report identifying the digital asset trading platforms that the Office of Foreign Assets Control of the Department of the Treasury determines to be high risk for sanctions evasion, money laundering, or other illicit activities.

(2) PETITION.—Any exchange included in a report submitted under paragraph (1) may petition the Office of Foreign Assets Control for removal, which shall be granted upon demonstrating that the exchange is taking steps sufficient to comply with applicable United States law.

SA 6214. Mr. LEAHY (for himself, Mr. LEE, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. CRAMER, Ms. HIRONO, Mr. MARKEY, and 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:

Subtitle H—FISA Amici Curiae Reform Act of 2022

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''FISA Amici Curiae Reform Act of 2022''.

SEC. 1082. AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 1083. APPOINTMENT OF AMICI CURIAE AND ACCESS TO INFORMATION.

(a) EXPANSION OF APPOINTMENT AUTHORITY.—

(1) IN GENERAL.—Section 103(i)(2) (50 U.S.C. 1803(i)(2)) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) shall appoint 1 or more individuals who have been designated under paragraph (1), not fewer than 1 of whom possesses privacy and civil liberties expertise, unless the court finds that such a qualification is inappropriate, to serve as amicus curiae to assist the court in the consideration of any application or motion for an order or review that, in the opinion of the court—

''(i) presents a novel or significant interpretation of the law, unless the court issues a finding that such appointment is not appropriate;

''(ii) presents significant concerns with respect to the activities of a United States person that are protected by the first amendment to the Constitution of the United States, unless the court issues a finding that such appointment is not appropriate;

''(iii) presents or involves a sensitive investigative matter, unless the court issues a finding that such appointment is not appropriate;

''(iv) presents a request for approval of a new program, a new technology, or a new use of existing technology, unless the court issues a finding that such appointment is not appropriate;

''(v) presents a request for reauthorization of programmatic surveillance, unless the court issues a finding that such appointment is not appropriate; or

''(vi) otherwise presents novel or significant civil liberties issues, unless the court issues a finding that such appointment is not appropriate; and''; and

(B) in subparagraph (B), by striking ''an individual or organization'' each place the term appears and inserting ''1 or more individuals or organizations''.

(2) DEFINITION OF SENSITIVE INVESTIGATIVE MATTER.—Section 103(i) (50 U.S.C. 1803(i)) is amended by adding at the end the following:

''(12) DEFINITION.—In this subsection, the term 'sensitive investigative matter' means—

''(A) an investigative matter involving the activities of—

''(i) a domestic public official or political candidate, or an individual serving on the staff of such an official or candidate;

''(ii) a domestic religious or political organization, or a known or suspected United States person prominent in such an organization; or

''(iii) the domestic news media; or

''(B) any other investigative matter involving a domestic entity or a known or suspected United States person that, in the judgment of the applicable court established under subsection (a) or (b), is as sensitive as an investigative matter described in subparagraph (A).''.

(b) AUTHORITY TO SEEK REVIEW.—Section 103(i) (50 U.S.C. 1803(i)), as amended by subsection (a) of this section, is amended—

(1) in paragraph (4)—

(A) in the paragraph heading, by inserting ''; AUTHORITY'' after ''DUTIES'';

(B) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(C) in the matter preceding clause (i), as so designated, by striking ''the amicus curiae shall'' and inserting the following: ''the amicus curiae—

''(A) shall'';

(D) in subparagraph (A)(i), as so designated, by inserting before the semicolon at the end the following: '', including legal arguments regarding any privacy or civil liberties interest of any United States person that would be significantly impacted by the application or motion''; and

(E) by striking the period at the end and inserting the following: ''; and

''(B) may seek leave to raise any novel or significant privacy or civil liberties issue relevant to the application or motion or other issue directly impacting the legality of the proposed electronic surveillance with the court, regardless of whether the court has requested assistance on that issue.'';

(2) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(3) by inserting after paragraph (6) the following:

''(7) AUTHORITY TO SEEK REVIEW OF DECISIONS.—

''(A) FISA COURT DECISIONS.—

''(i) PETITION.—Following issuance of an order under this Act by the Foreign Intelligence Surveillance Court, an amicus curiae appointed under paragraph (2) may petition the Foreign Intelligence Surveillance Court to certify for review to the Foreign Intelligence Surveillance Court of Review a question of law pursuant to subsection (j).

''(ii) WRITTEN STATEMENT OF REASONS.—If the Foreign Intelligence Surveillance Court denies a petition under this subparagraph, the Foreign Intelligence Surveillance Court shall provide for the record a written statement of the reasons for the denial.

''(iii) APPOINTMENT.—Upon certification of any question of law pursuant to this subparagraph, the Court of Review shall appoint the amicus curiae to assist the Court of Review in its consideration of the certified question, unless the Court of Review issues a finding that such appointment is not appropriate.

''(B) FISA COURT OF REVIEW DECISIONS.—An amicus curiae appointed under paragraph (2) may petition the Foreign Intelligence Surveillance Court of Review to certify for review to the Supreme Court of the United States any question of law pursuant to section 1254(2) of title 28, United States Code.

''(C) DECLASSIFICATION OF REFERRALS.—For purposes of section 602, a petition filed under subparagraph (A) or (B) of this paragraph and all of its content shall be considered a decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review described in paragraph (2) of section 602(a).''.

(c) ACCESS TO INFORMATION.—

(1) APPLICATION AND MATERIALS.—Section 103(i)(6) (50 U.S.C. 1803(i)(6)) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—

''(i) RIGHT OF AMICUS.—If a court established under subsection (a) or (b) appoints an amicus curiae under paragraph (2), the amicus curiae—

''(I) shall have access, to the extent such information is available to the Government, to—

''(aa) the application, certification, petition, motion, and other information and supporting materials, including any information described in section 901, submitted to the

Foreign Intelligence Surveillance Court in connection with the matter in which the amicus curiae has been appointed, including access to any relevant legal precedent (including any such precedent that is cited by the Government, including in such an application);

''(bb) an unredacted copy of each relevant decision made by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review in which the court decides a question of law, without regard to whether the decision is classified; and

''(cc) any other information or materials that the court determines are relevant to the duties of the amicus curiae; and

''(II) may make a submission to the court requesting access to any other particular materials or information (or category of materials or information) that the amicus curiae believes to be relevant to the duties of the amicus curiae.

''(ii) SUPPORTING DOCUMENTATION REGARDING ACCURACY.—The Foreign Intelligence Surveillance Court, upon the motion of an amicus curiae appointed under paragraph (2) or upon its own motion, may require the Government to make available the supporting documentation described in section 902.''.

(2) CLARIFICATION OF ACCESS TO CERTAIN INFORMATION.—Section 103(i)(6) (50 U.S.C. 1803(i)(6)) is amended—

(A) in subparagraph (B), by striking ''may'' and inserting ''shall''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) CLASSIFIED INFORMATION.—An amicus curiae designated or appointed by the court shall have access, to the extent such information is available to the Government, to unredacted copies of each opinion, order, transcript, pleading, or other document of the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review, including, if the individual is eligible for access to classified information, any classified documents, information, and other materials or proceedings.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply with respect to proceedings under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that take place on or after, or are pending on, that date.

SEC. 1084. DECLASSIFICATION OF SIGNIFICANT DECISIONS, ORDERS, AND OPINIONS.

(a) MATTERS COVERED.—Section 602 (50 U.S.C. 1872) is amended—

(1) by striking ''Subject to subsection (b)'' and inserting ''(1) Subject to subsection (b)'';

(2) by striking ''includes a significant'' and all that follows through '', and,'' and inserting ''is described in paragraph (2) and,''; and

(3) by adding at the end the following:

''(2) The decisions, orders, or opinions issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review described in this paragraph are such decisions, orders, or opinions that—

''(A) include a significant construction or interpretation of any provision of law, including any novel or significant construction or interpretation of the term 'specific selection term'; or

''(B) result from—

''(i) a proceeding in which an amicus curiae has been appointed pursuant to section 103(i);

''(ii) a proceeding in the Foreign Intelligence Court of Review resulting from the petition of an amicus curiae under section 103(i)(7); or

''(iii) a proceeding in which an amicus curiae could have been appointed pursuant to section 103(i)(2)(A).''.

(b) APPLICATION OF REQUIREMENT.—

(1) IN GENERAL.—Section 602 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1872), as amended by this section, shall apply with respect to each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review before, on, or after the date of enactment of that section.

(2) PAST DECISIONS, ORDERS, AND OPINIONS.—With respect to each decision, order, or opinion described in paragraph (1) that was issued before or on the date of enactment referred to in that paragraph, the Director of National Intelligence shall complete the declassification review and public release of the decision, order, or opinion pursuant to section 602 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1872) by not later than 1 year after the date of enactment of this Act.

SEC. 1085. DISCLOSURE OF RELEVANT INFORMATION; CERTIFICATION REGARDING ACCURACY PROCEDURES.

(a) DISCLOSURE OF RELEVANT INFORMATION.—

(1) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE IX—DISCLOSURE OF RELEVANT INFORMATION

''SEC. 901. DISCLOSURE OF RELEVANT INFORMATION.

''The Attorney General or any other Federal officer making an application for a court order under this Act shall provide the court with—

''(1) all information in the possession of the Government that is material to determining whether the application satisfies the applicable requirements under this Act, including any exculpatory information; and

''(2) all information in the possession of the Government that might reasonably—

''(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(B) otherwise raise doubts with respect to the findings that are required to be made under the applicable provision of this Act in order for the court order to be issued.''.

(2) TECHNICAL AMENDMENT.—The table of contents of the Foreign Intelligence Surveillance Act of 1978 is amended by adding at the end the following:

''TITLE IX—DISCLOSURE OF RELEVANT INFORMATION

''Sec. 901. Disclosure of relevant information.''.

(b) CERTIFICATION REGARDING ACCURACY PROCEDURES.—

(1) IN GENERAL.—Title IX of the Foreign Intelligence Surveillance Act of 1978, as added by subsection (a), is amended by adding at the end the following:

''SEC. 902. CERTIFICATION REGARDING ACCURACY PROCEDURES.

''(a) DEFINITION.—In this section, the term 'accuracy procedures' means specific procedures, adopted by the Attorney General, to ensure that an application for a court order under this Act, including any application for renewal of an existing order, is accurate and complete, including procedures that ensure, at a minimum, that—

''(1) the application reflects all information that might reasonably call into question the accuracy of the information or the reasonableness of any assessment in the application, or otherwise raises doubts about the requested findings;

''(2) the application reflects all material information that might reasonably call into question the reliability and reporting of any information from a confidential human source that is used in the application;

''(3) a complete file documenting each factual assertion in an application is maintained;

''(4) the applicant coordinates with the appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), concerning any prior or existing relationship with the target of any surveillance, search, or other means of investigation, and discloses any such relationship in the application;

''(5) before any application targeting a United States person is made, the applicant Federal officer shall document that the officer has collected and reviewed for accuracy and completeness supporting documentation for each factual assertion in the application; and

''(6) the applicant Federal agency establish compliance and auditing mechanisms on an annual basis to assess the efficacy of the accuracy procedures that have been adopted and report such findings to the Attorney General.

''(b) STATEMENT AND CERTIFICATION OF ACCURACY PROCEDURES.—Any Federal officer making an application for a court order under this Act shall include with the application—

''(1) a description of the accuracy procedures employed by the officer or the officer's designee; and

''(2) a certification that the officer or the officer's designee has collected and reviewed for accuracy and completeness—

''(A) supporting documentation for each factual assertion contained in the application;

''(B) all information that might reasonably call into question the accuracy of the information or the reasonableness of any assessment in the application, or otherwise raises doubts about the requested findings; and

''(C) all material information that might reasonably call into question the reliability and reporting of any information from any confidential human source that is used in the application.

''(c) NECESSARY FINDING FOR COURT ORDERS.—A judge may not enter an order under this Act unless the judge finds, in addition to any other findings required under this Act, that the accuracy procedures described in the application for the order, as required under subsection (b)(1), are actually accuracy procedures as defined in this section.''.

(2) TECHNICAL AMENDMENT.—The table of contents of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a), is amended by inserting after the item relating to section 901 the following:

''Sec. 902. Certification regarding accuracy procedures.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply with respect to applications under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that are made on or after, or are pending on, that date.

SEC. 1086. ANNUAL REPORTING ON ACCURACY AND COMPLETENESS OF APPLICATIONS.

Section 603 (50 U.S.C. 1873) is amended—

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

(2) by inserting after subsection (d) the following:

''(e) ANNUAL REPORT BY DOJ INSPECTOR GENERAL ON ACCURACY AND COMPLETENESS OF APPLICATIONS.—

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

''(A) the Committee on the Judiciary and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) REPORT.—In April of each year, the Inspector General of the Department of Justice shall submit to the appropriate committees of Congress and make public, subject to a declassification review, a report setting forth, with respect to the preceding calendar year, the following:

''(A) A summary of all accuracy or completeness reviews of applications submitted to the Foreign Intelligence Surveillance Court by the Federal Bureau of Investigation.

''(B) The total number of applications reviewed for accuracy or completeness.

''(C) The total number of material errors or omissions identified during such reviews.

''(D) The total number of nonmaterial errors or omissions identified during such reviews.

''(E) The total number of instances in which facts contained in an application were not supported by documentation that existed in the applicable file being reviewed at the time of the accuracy review.''.

SA 6215. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. PRIORITIZATION OF MILITARY READINESS ON DEPARTMENT OF DEFENSE LAND ON GUAM.

No Federal funds may be used to execute the memorandum of agreement between the Department of the Navy and the United States Fish and Wildlife Service regarding conservation of Guam Micronesian kingfisher recovery habitat in Northern Guam, dated June 11, 2015, the modification to such memorandum of agreement dated December 22, 2015, or any subsequent modification to such memorandum of agreement.

SA 6216. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. PRIORITIZATION OF MILITARY READINESS ON DEPARTMENT OF DEFENSE LAND ON GUAM.

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SA 6217. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. GAO REPORT ON ALTERNATIVE MODELING FOR LOCALITY PAY FORMULATIONS.

(a) DEFINITIONS.—In this section:

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

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

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

(C) the Committee on Appropriations of the Senate;

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

(E) the Committee on Homeland Security of the House of Representatives; and

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

(2) LOCALITY PAY FORMULA.—The term ''locality pay formula'' means the methodology used to determine the amount of locality-based comparability payments paid under section 5304 of title 5, United States Code.

(3) PAY LOCALITY.—The term ''pay locality'' has the meaning given the term in section 5302 of title 5, United States Code.

(b) 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 the appropriate congressional committees a report that assesses potential alternative modeling for the locality pay formula.

(2) CONTENTS.—The report required under paragraph (1) shall include an assessment of the following:

(A) The costs of changing the boundaries of pay localities to reflect recent (as of the date on which the report is submitted) updates to the delineations of metropolitan statistical areas and combined statistical areas by the Office of Management and Budget.

(B) The methodology used by the Bureau of Labor Statistics in conducting the surveys described in section 5304(d)(1)(A) of title 5, United States Code, with the objective of improving the validity of those surveys to reflect market sensitivity.

(C) The impact of increasing the sample size in the locality pay formula to account for jobs by occupation.

(D) The consideration of human capital data, such as attrition data, in the locality pay formula to determine the effects of statistically-modeled salary estimates.

(E) Whether and how the locality pay formula should account for—

(i) the impact of quickly rising housing costs in establishing or modifying pay localities; and

(ii) the impact of the cost of major benefits, such as health insurance and pensions, and disparities in total Federal and non-Federal compensation, when establishing or modifying pay localities.

SA 6218. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. GAO REPORT ON ALTERNATIVE MODELING FOR LOCALITY PAY FORMULATIONS.

(a) DEFINITIONS.—In this section:

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

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

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

(C) the Committee on Appropriations of the Senate;

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

(E) the Committee on Homeland Security of the House of Representatives; and

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

(2) LOCALITY PAY FORMULA.—The term ''locality pay formula'' means the methodology used to determine the amount of locality-based comparability payments paid under section 5304 of title 5, United States Code.

(3) PAY LOCALITY.—The term ''pay locality'' has the meaning given the term in section 5302 of title 5, United States Code.

(b) 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 the appropriate congressional committees a report that assesses potential alternative modeling for the locality pay formula.

(2) CONTENTS.—The report required under paragraph (1) shall include an assessment of the following:

(A) The costs of changing the boundaries of pay localities to reflect recent (as of the date on which the report is submitted) updates to the delineations of metropolitan statistical areas and combined statistical areas by the Office of Management and Budget.

(B) The methodology used by the Bureau of Labor Statistics in conducting the surveys described in section 5304(d)(1)(A) of title 5, United States Code, with the objective of improving the validity of those surveys to reflect market sensitivity.

(C) The impact of increasing the sample size in the locality pay formula to account for jobs by occupation.

(D) The consideration of human capital data, such as attrition data, in the locality pay formula to determine the effects of statistically-modeled salary estimates.

(E) Whether and how the locality pay formula should account for—

(i) the impact of quickly rising housing costs in establishing or modifying pay localities; and

(ii) the impact of the cost of major benefits, such as health insurance and pensions, and disparities in total Federal and non-Federal compensation, when establishing or modifying pay localities.

SA 6219. 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 title XII, insert the following:

Subtitle G—International Pandemic Preparedness

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''International Pandemic Preparedness and COVID–19 Response Act of 2022''.

SEC. 1282. DEFINITIONS.

In this subtitle:

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

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

(B) the Committee on Appropriations of the Senate;

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

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

(2) GLOBAL HEALTH SECURITY AGENDA; GHSA.—The terms ''Global Health Security Agenda'' and ''GHSA'' mean the multi-sectoral initiative launched in 2014, and renewed in 2018, that brings together countries, regions, international organizations, nongovernmental organizations, and the private sector—

(A) to elevate global health security as a national-level priority;

(B) to share best practices; and

(C) to facilitate national capacity to comply with and adhere to—

(i) the International Health Regulations (2005);

(ii) the international standards and guidelines established by the World Organisation for Animal Health;

(iii) United Nations Security Council Resolution 1540 (2004);

(iv) the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction, done at Washington, London, and Moscow, April 10, 1972 (commonly referred to as the ''Biological Weapons Convention'');

(v) the Global Health Security Agenda 2024 Framework; and

(vi) other relevant frameworks that contribute to global health security.

(3) GLOBAL HEALTH SECURITY INDEX .—The term ''Global Health Security Index'' means the comprehensive assessment and benchmarking of health security and related capabilities across the countries that make up the States Parties to the International Health Regulations (2005).

(4) GLOBAL HEALTH SECURITY INITIATIVE.—The term ''Global Health Security Initiative'' means the informal network of countries and organizations that came together in 2001, to undertake concerted global action to strengthen public health preparedness and response to chemical, biological, radiological, and nuclear threats, including pandemic influenza.

(5) IHR (2005) MONITORING AND EVALUATION FRAMEWORK.—The term ''IHR (2005) Monitoring and Evaluation Framework'' means the framework through which the World Health Organization and the State Parties to the International Health Regulations, as amended in 2005, review, measure, and assess core country public health capacities and ensure mutual accountability for global health security under the International Health Regulations (2005), including through the Joint External Evaluations, simulation exercises, and after-action reviews.

(6) JOINT EXTERNAL EVALUATION.—The term ''Joint External Evaluation'' means the voluntary, collaborative, multi-sectoral process facilitated by the World Health Organization—

(A) to assess country capacity to prevent, detect, and rapidly respond to public health risks occurring naturally or due to deliberate or accidental events;

(B) to assess progress in achieving the targets under the International Health Regulations (2005); and

(C) to recommend priority actions.

(7) KEY STAKEHOLDERS.—The term ''key stakeholders'' means actors engaged in efforts to advance global health security programs and objectives, including—

(A) national and local governments in partner countries;

(B) other bilateral donors;

(C) international, regional, and local organizations, including private, voluntary, nongovernmental, and civil society organizations, including faith-based and indigenous organizations;

(D) international, regional, and local financial institutions;

(E) representatives of historically marginalized groups, including women, youth, and indigenous peoples;

(F) the private sector, including medical device, technology, pharmaceutical, manufacturing, logistics, and other relevant companies; and

(G) public and private research and academic institutions.

(8) ONE HEALTH APPROACH.—The term ''One Health approach'' means the collaborative, multi-sectoral, and transdisciplinary approach toward achieving optimal health outcomes in a manner that recognizes the interconnection between people, animals, plants, and their shared environment.

(9) PANDEMIC PREPAREDNESS.—The term ''pandemic preparedness'' refers to the actions taken to establish and sustain the capacity and capabilities necessary to rapidly identify, prevent, protect against, and respond to the emergence, reemergence, and spread of pathogens of pandemic potential.

(10) PARTNER COUNTRY.—The term ''partner country'' means a foreign country in which the relevant Federal departments and agencies are implementing United States foreign assistance for global health security and pandemic prevention and preparedness under this section.

(11) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term ''relevant Federal departments and agencies'' means any Federal department or agency implementing United States policies and programs relevant to the advancement of United States global health security and diplomacy overseas, which may include—

(A) the Department of State;

(B) the United States Agency for International Development;

(C) the Department of Health and Human Services;

(D) the Department of Defense;

(E) the Defense Threat Reduction Agency;

(F) the Millennium Challenge Corporation;

(G) the Development Finance Corporation;

(H) the Peace Corps; and

(I) any other department or agency that the President determines to be relevant for these purposes.

(12) RESILIENCE.—The term ''resilience'' means the ability of people, households, communities, systems, institutions, countries, and regions to reduce, mitigate, withstand, adapt to, and quickly recover from shocks and stresses in a manner that reduces chronic vulnerability to the emergence, reemergence, and spread of pathogens of pandemic potential and facilitates inclusive growth.

(13) RESPOND AND RESPONSE.—The terms ''respond'' and ''response'' mean the actions taken to counter an infectious disease.

(14) USAID.—The term ''USAID'' means the United States Agency for International Development.

SEC. 1283. ENHANCING THE UNITED STATES' INTERNATIONAL RESPONSE TO THE COVID–19 PANDEMIC.

(a) STATEMENT OF POLICY REGARDING INTERNATIONAL COOPERATION TO END THE COVID–19 PANDEMIC.—It is the policy of the United States to lead and implement a comprehensive and coordinated international response to end the COVID–19 pandemic in a manner that recognizes the critical role that multilateral and regional organizations can and should play in pandemic prevention, preparedness, and response, including by—

(1) seeking adoption of a United Nations Security Council resolution that—

(A) declares pandemics, including the COVID–19 pandemic, to be threats to international peace and security; and

(B) urges member states to address such threats by aligning their health preparedness plans with international best practices, including practices established by the Global Health Security Agenda, to improve country capacity to prevent, detect, and respond to infectious disease threats of pandemic potential;

(2) advancing efforts to reform the World Health Organization to serve as an effective, normative, and coordinating body that is capable of aligning member countries around a strategic operating plan to detect, contain, treat, and deter the further spread of COVID–19;

(3) providing timely, appropriate levels of financial support to United Nations agencies, multilateral facilities, and other partners responding to the COVID–19 pandemic;

(4) prioritizing United States foreign assistance for the COVID–19 response in the world's most vulnerable countries and regions;

(5) encouraging other donor governments to similarly increase contributions to the United Nations agencies, multilateral facilities, and other partners responding to the COVID–19 pandemic in the world's poorest and most vulnerable countries;

(6) working with key stakeholders to accelerate progress toward meeting and exceeding, as practicable, global COVID–19 vaccination goals;

(7) engaging with key overseas stakeholders, including through multilateral facilities such as the COVID–19 Vaccines Global Access initiative (referred to in this section as ''COVAX'') and the Access to COVID–19 Tools (ACT) Accelerator initiative;

(8) expanding bilateral efforts, including through the United States International Development Finance Corporation, to accelerate the development, manufacturing, local

production, and efficient and equitable distribution of—

(A) vaccines and related raw materials to meet or exceed the vaccination goals referred to in paragraph (6); and

(B) global health commodities, including supplies to combat COVID–19 and to help immediately disrupt the transmission of SARS-CoV-2;

(9) supporting global COVID–19 vaccine distribution strategies that—

(A) strengthen underlying health systems for global health security and pandemic prevention, preparedness, and response; and

(B) ensure that people living in vulnerable and marginalized communities, including women, do not face undue barriers to vaccination;

(10) working with key stakeholders, including the World Bank Group, the United Nations, the International Monetary Fund, the United States International Development Finance Corporation, and other relevant regional and bilateral financial institutions, to address the economic and financial implications of the COVID–19 pandemic, while taking into account the differentiated needs of disproportionately affected, vulnerable, and marginalized populations;

(11) entering into discussions with vaccine manufacturing companies to support partnerships, with the goal of ensuring adequate global supply of vaccines, which may include necessary components and raw materials;

(12) establishing clear timelines, benchmarks, and goals for COVID–19 response strategies and activities under this section; and

(13) generating commitments of resources in support of the vaccination goals referred to in paragraph (6).

(b) GLOBAL COVID–19 VACCINE DISTRIBUTION AND DELIVERY.—

(1) ACCELERATING GLOBAL VACCINE DISTRIBUTION STRATEGY.—The President shall develop a strategy to expand access to, and accelerate the global distribution of, COVID–19 vaccines to other countries. This strategy shall—

(A) identify the countries that—

(i) have the highest infection and death rates due to COVID–19;

(ii) have the lowest COVID–19 vaccination rates; and

(iii) face the most difficult political, logistical, and financial challenges to obtaining and delivering COVID–19 vaccines;

(B) describe the basis and metrics used to identify the countries described in subparagraph (A);

(C) identify which countries and regions will be prioritized and targeted for COVID–19 vaccine delivery, and the rationale for such prioritization;

(D) describe efforts that the United States is making to increase COVID–19 vaccine manufacturing capacity, both domestically and internationally, as appropriate, through support for the establishment or refurbishment of regional manufacturing hubs in South America, Southern Africa, and South Asia, including through the provision of international development finance;

(E) estimate when, how many, and which types of vaccines will be provided by the United States Government bilaterally and through COVAX;

(F) describe efforts to encourage international partners to take actions similar to the efforts referred to in subparagraph (D);

(G) describe how the United States Government will ensure the efficient delivery of COVID–19 vaccines to intended recipients, including United States citizens residing overseas;

(H) identify complementary United States foreign assistance that will facilitate vaccine readiness, distribution, delivery, monitoring, and administration activities;

(I) describe how the United States Government will ensure the efficient delivery and administration of COVID–19 vaccines to United States citizens residing overseas, including through the donation of vaccine doses to United States embassies and consulates, as appropriate, giving priority to—

(i) countries in which United States citizens are deemed ineligible or low priority in the national vaccination deployment plan; and

(ii) countries that are not presently distributing a COVID–19 vaccine that—

(I) has been licensed or authorized for emergency use by the Food and Drug Administration; or

(II) has met the necessary criteria for safety and efficacy established by the World Health Organization;

(J) summarize the United States Government's efforts to encourage and facilitate technology sharing and the licensing of intellectual property, to the extent necessary, to support the adequate and timely supply of vaccines and vaccine components to meet the vaccination goals specified in subsection (a)(6), giving due consideration to avoiding undermining intellectual property innovation and intellectual property rights protections with respect to vaccine development;

(K) describe the roles, responsibilities, tasks, and, as appropriate, the authorities of the Secretary of State, the USAID Administrator, the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Chief Executive Officer of the United States International Development Finance Corporation, and the heads of other relevant Federal departments and agencies with respect to the implementation of the strategy;

(L) describe how the Department of State and USAID will coordinate with the Secretary of Health and Human Services and the heads of other relevant Federal agencies—

(i) to expedite the export and distribution of Federally purchased vaccines to countries in need; and

(ii) to ensure that such vaccines will not be wasted;

(M) summarize the United States public diplomacy strategies for branding and addressing vaccine misinformation and hesitancy within partner countries; and

(N) describe efforts that the United States is making to help countries disrupt the current transmission of COVID–19, utilizing medical products and medical supplies.

(2) SUBMISSION OF STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit the strategy described in paragraph (1) to—

(A) the appropriate congressional committees;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate; and

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

(c) LEVERAGING UNITED STATES BILATERAL GLOBAL HEALTH PROGRAMS FOR THE INTERNATIONAL COVID–19 RESPONSE.—Amounts appropriated or otherwise made available to carry out section 104 of the Foreign Assistance Act (22 U.S.C. 2151b) may be used in countries receiving United States foreign assistance—

(1) to combat the COVID–19 pandemic, including through the sharing of COVID–19 vaccines; and

(2) to support related activities, including—

(A) strengthening vaccine readiness;

(B) reducing vaccine hesitancy and misinformation;

(C) delivering and administering COVID–19 vaccines;

(D) strengthening health systems and global supply chains as necessary for global health security and pandemic preparedness, prevention, and response;

(E) supporting global health workforce planning, training, and management for pandemic preparedness, prevention, and response;

(F) enhancing transparency, quality, and reliability of public health data;

(G) increasing bidirectional testing, including screening for symptomatic and asymptomatic cases; and

(H) building laboratory capacity.

(d) ROLES OF THE DEPARTMENT OF STATE, USAID, AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN INTERNATIONAL PANDEMIC RESPONSE.—

(1) DESIGNATION OF LEAD AGENCIES FOR COORDINATION OF THE UNITED STATES' INTERNATIONAL RESPONSE TO INFECTIOUS DISEASE OUTBREAKS WITH SEVERE OR PANDEMIC POTENTIAL.—The President shall designate relevant Federal departments and agencies, including the Department of State, USAID, and the Department of Health and Human Services (including the Centers for Disease Control and Prevention), to lead specific aspects of the United States international response to outbreaks of emerging high-consequence infectious disease threats.

(2) NOTIFICATION.—Not later than 120 days after the date of the enactment of this Act, the President shall notify the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives of the designations made pursuant to paragraph (1), including detailed descriptions of the roles and responsibilities of each relevant department and agency.

(e) USAID DISASTER SURGE CAPACITY.—

(1) DISASTER SURGE CAPACITY.—Amounts appropriated or otherwise made available to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and 2346), including funds made available for ''Assistance for Europe, Eurasia and Central Asia'', may be used, in addition to amounts otherwise made available for such purposes, for the cost (including support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to global health emergencies and natural or manmade disasters.

(2) NOTIFICATION.—Not later than 15 days before making funds available to address manmade disasters pursuant to paragraph (1), the Secretary of State or the USAID Administrator shall notify the appropriate congressional committees of such intended action.

SEC. 1284. INTERNATIONAL PANDEMIC PREVENTION AND PREPAREDNESS.

(a) UNITED STATES INTERNATIONAL ACTIVITIES TO ADVANCE GLOBAL HEALTH SECURITY AND DIPLOMACY STRATEGY AND REPORT.—

(1) IN GENERAL.—The President shall develop, update, maintain, and advance a comprehensive strategy for improving United States global health security and diplomacy for pandemic prevention, preparedness which, consistent with the purposes of this subtitle, shall —

(A) clearly articulate United States policy goals related to pandemic prevention, preparedness, and response, including through actions to strengthen diplomatic leadership and the effectiveness of United States foreign assistance for global health security through advancement of a One Health approach, the Global Health Security Agenda, the International Health Regulations (2005),

and other relevant frameworks that contribute to pandemic prevention and preparedness;

(B) establish specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans for United States foreign policy and assistance for global health security that promote learning and adaptation and reflect international best practices relating to global health security, transparency, and accountability;

(C) establish transparent mechanisms to improve coordination and avoid duplication of effort between and among the relevant Federal departments and agencies, partner countries, donor countries, the private sector, multilateral organizations, and other key stakeholders;

(D) prioritize working with partner countries with—

(i) demonstrated need, as identified through the Joint External Evaluation process, the Global Health Security Index classification of health systems, national action plans for health security, Global Health Security Agenda, other risk-based assessments, and complementary or successor indicators of global health security and pandemic preparedness; and

(ii) demonstrated commitment to transparency, including budget and global health data transparency, complying with the International Health Regulations (2005), investing in domestic health systems, and achieving measurable results;

(E) reduce long-term reliance upon United States foreign assistance for global health security by—

(i) ensuring that United States global health assistance authorized under this subtitle is strategically planned and coordinated in a manner that delivers immediate impact and contributes to enduring results, including through efforts to enhance community capacity and resilience to infectious disease threats and emergencies; and

(ii) ensuring partner country ownership of global health security strategies, data, programs, and outcomes and improved domestic resource mobilization, co-financing, and appropriate national budget allocations for global health security and pandemic prevention, preparedness, and response;

(F) assist partner countries in building the technical capacity of relevant ministries, systems, and networks to prepare, execute, monitor, and evaluate national action plans for global health security and pandemic prevention, preparedness, and response that are developed with input from key stakeholders, including mechanism to enhance budget and global health data transparency, as necessary and appropriate;

(G) support and align United States foreign assistance authorized under this subtitle with such national action plans for health security and pandemic prevention, preparedness, and response, as appropriate;

(H) facilitate communication and collaboration, as appropriate, among local stakeholders in support of country-led strategies and initiatives to better identify and prevent health impacts related to deforestation, climate-related events, and increased unsafe interactions between wildlife, livestock, and people contributing to the emergence, reemergence, and spread of zoonoses;

(I) support global health budget and workforce planning in partner countries, consistent with the purposes of this subtitle, including training in financial management and budget and global health data transparency;

(J) strengthen linkages between complementary bilateral and multilateral foreign assistance programs, including efforts of the World Bank, the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and Gavi, the Vaccine Alliance, that contribute to the development of more resilient health systems and global supply chains for global health security and pandemic prevention, preparedness, and response in partner countries with the capacity, resources, and personnel required to prevent, detect, and respond to infectious disease threats; and

(K) support innovation and partnerships with the private sector, health organizations, civil society, nongovernmental, faith-based and indigenous organizations, and health research and academic institutions to improve pandemic prevention, preparedness, and response, including for the development and deployment of effective and accessible infectious disease tracking tools, diagnostics, therapeutics, and vaccines.

(2) SUBMISSION OF STRATEGY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President, in consultation with the heads of the relevant Federal departments and agencies, shall submit the strategy required under paragraph (1) to—

(i) the appropriate congressional committees;

(ii) the Committee on Health, Education, Labor, and Pensions of the Senate; and

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

(B) AGENCY-SPECIFIC PLANS.—The strategy required under paragraph (1) shall include specific implementation plans from each relevant Federal department and agency that describe—

(i) the anticipated contributions of the Federal department or agency, including technical, financial, and in-kind contributions, to implement the strategy; and

(ii) the efforts of the Federal department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

(3) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the submission of the strategy pursuant to paragraph (2), and not later than October 1 of each year thereafter, the President shall submit a report to the committees referred to in paragraph (2)(A) that describes the status of the implementation of such strategy.

(B) CONTENTS.—Each report submitted pursuant to subparagraph (A) shall—

(i) identify any substantial changes made to the strategy during the preceding calendar year;

(ii) describe the progress made in implementing the strategy, including specific information related to the progress toward improving countries' ability to detect, prevent, and respond to infectious disease threats, such as COVID–19 and Ebola;

(iii) identify—

(I) the indicators used to establish benchmarks and measure results over time; and

(II) the mechanisms for reporting such results in an open and transparent manner;

(iv) contain a transparent, open, and detailed accounting of obligations by relevant Federal departments and agencies to implement the strategy, including, to the extent practicable, for each such Federal department and agency, the statutory source of obligated funds, the amounts obligated, implementing partners and sub-partners, targeted beneficiaries, and activities supported; and

(v) the efforts of the relevant Federal department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and enduring results, including through specific activities to strengthen health systems for global health security and pandemic prevention, preparedness, and response, as appropriate.

(C) FORM.—The strategy and reports required under this subsection shall be submitted in unclassified form, but may contain a classified annex.

(b) ESTABLISHMENT OF THE UNITED STATES GLOBAL HEALTH SECURITY AGENDA INTERAGENCY REVIEW COUNCIL.—

(1) STATEMENT OF POLICY.—It is the policy of the United States—

(A) to promote and invest in global health security and pandemic prevention, preparedness, and response as a core national and security interest;

(B) to advance the aims of the Global Health Security Agenda;

(C) to collaborate with other countries to promote early detection and mitigation of infectious disease threats before such threats become pandemics; and

(D) to encourage and support other countries to advance pandemic prevention and preparedness by investing in resilient and sustainable health systems for global health security and pandemic prevention and preparedness.

(2) ESTABLISHMENT.—The President shall establish a Global Health Security Agenda Interagency Review Council (referred to in this section as the ''Council'') to carry out the activities described in paragraphs (4) and (7).

(3) MEETINGS.—The Council shall meet not fewer than 4 times each year to advance its mission and fulfill its responsibilities.

(4) GENERAL RESPONSIBILITIES.—The Council shall—

(A) provide policy-level recommendations to participating agencies regarding Global Health Security Agenda goals, objectives, and implementation, and other international efforts to strengthen pandemic preparedness and response;

(B) facilitate interagency, multi-sectoral engagement to carry out GHSA implementation;

(C) provide a forum for raising and working to resolve interagency disagreements concerning the GHSA, and other international efforts to strengthen pandemic preparedness and response;

(D) review the progress toward, and work to resolve challenges in achieving, United States commitments under the GHSA, including commitments to assist other countries in achieving the GHSA targets; and

(E) consider, among other issues—

(i) the status of United States financial commitments to the GHSA in the context of commitments by other donors, and the contributions of partner countries to achieve the GHSA targets;

(ii) the progress toward the milestones outlined in—

(I) GHSA national plans for countries in which the United States Government has committed to assist in implementing the GHSA; and

(II) annual work plans outlining agency priorities for implementing the GHSA; and

(iii) the external evaluations of United States and partner country capabilities to address infectious disease threats, including the ability to achieve the targets outlined within the World Health Organization's Joint External Evaluation Tool, and gaps identified by such external evaluations.

(5) PARTICIPATION.—The Council—

(A) shall be headed by the Assistant to the President for National Security Affairs, in coordination with the heads of relevant Federal agencies; and

(B) should consist of representatives each of the relevant Federal departments and agencies, as determined by the President.

(6) RESPONSIBILITIES OF FEDERAL DEPARTMENTS AND AGENCIES.—The Assistant to the

President for National Security Affairs and the Council may not assume any responsibilities or authorities of the head of any Federal department, agency, or office, including the foreign affairs responsibilities and authorities of the Secretary of State to oversee the implementation of programs and policies that advance global health security within foreign countries.

(7) SPECIFIC ROLES AND RESPONSIBILITIES.—

(A) IN GENERAL.—The heads of the agencies referred to in paragraph (5) shall—

(i) make the implementation of the GHSA and global pandemic preparedness a high priority within their respective agencies;

(ii) include activities related to the GHSA and global pandemic preparedness within their respective agencies' strategic planning and budget processes;

(iii) designate a senior-level official to be responsible for the implementation of this subsection;

(iv) designate, in accordance with paragraph (5), an appropriate representative at the Assistant Secretary level or higher to participate on the Council;

(v) keep the Council apprised of GHSA-related activities undertaken within their respective agencies;

(vi) maintain responsibility for agency-related programmatic functions in coordination with other relevant Federal agencies, governments in partner countries, country teams, and GHSA in-country teams;

(vii) coordinate with other Federal agencies that are identified in this section—

(I) to satisfy programmatic goals; and

(II) to further facilitate coordination of country teams, implementers, and donors in partner countries; and

(viii) coordinate across national health security action plans and with GHSA and other appropriate partners to which the United States is providing assistance.

(B) ADDITIONAL ROLES AND RESPONSIBILITIES.—In addition to the roles and responsibilities described subparagraph (A), the heads of relevant Federal departments and agencies should carry out their respective roles and responsibilities described in—

(i) Executive Order 13747 (81 Fed. Reg. 78701; relating to Advancing the Global Health Security Agenda to Achieve a World Safe and Secure from Infectious Disease Threats); and

(ii) National Security Directive on United States Global Leadership to Strengthen the International COVID–19 Response and to Advance Global Health Security and Biological Preparedness, issued on January 21, 2021.

(c) ORGANIZATION OF UNITED STATES INTERNATIONAL ACTIVITIES TO ADVANCE GLOBAL HEALTH SECURITY AND DIPLOMACY.—

(1) ESTABLISHMENT.—There is established, within the Department of State, the position of Special Representative for United States International Activities to Advance Global Health Security and Diplomacy Overseas (referred to in this section as the ''Special Representative'').

(2) APPOINTMENT; QUALIFICATIONS.—The Special Representative—

(A) shall be appointed by the President, by and with the advice and consent of the Senate;

(B) shall report to the Secretary of State; and

(C) shall have—

(i) demonstrated knowledge and experience in the fields of development and public health, epidemiology, or medicine; and

(ii) relevant diplomatic, policy, and political expertise.

(3) AUTHORITIES.—The Special Representative may—

(A) operate internationally to carry out the purposes of this section;

(B) ensure effective coordination, management, and oversight of United States foreign policy, diplomatic efforts, and foreign assistance funded with amounts appropriated to carry out this subtitle to advance the relevant elements of the United States Global Health Security and Diplomacy Strategy developed pursuant to subsection (a) by—

(i) formulating, issuing, and updating related policy guidance;

(ii) establishing, in coordination with USAID and the Department of Health and Human Services, unified auditing, monitoring, and evaluation plans;

(iii) avoiding duplication of effort and working to resolve policy, program, and funding disputes among the relevant Federal departments and agencies;

(iv) leading diplomatic efforts to identify and address current and emerging threats to global health security;

(v) ensuring, in consultation with the Secretary of Health and Human Services and the USAID Administrator, effective representation of the United States in relevant international forums, including the World Health Organization, the World Health Assembly, and meetings of the Global Health Security Agenda and of the Global Health Security Initiative;

(vi) working to enhance coordination with, and transparency among, the governments of partner countries and key stakeholders, including the private sector;

(vii) promoting greater donor and national investment in partner countries to build health systems and supply chains for global health security and pandemic prevention and preparedness;

(viii) securing bilateral and multilateral financing commitments to advance the Global Health Security Agenda, in coordination with relevant Federal departments and agencies, including through funding for the financing mechanism described in section 1285; and

(ix) providing regular updates to the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives regarding the fulfillment of the activities described in this paragraph;

(C) represent the United States in the multilateral, catalytic financing mechanism described in section 1285;

(D) utilize detailees, on a reimbursable or nonreimbursable basis, from relevant Federal departments and agencies and hire personal service contractors, who may operate domestically and internationally, to ensure that the Office of the Special Representative has access to the highest quality experts available to the United States Government to carry out the functions under this subtitle; and

(E) perform such other functions as the Secretary of State may assign.

(d) STRENGTHENING HEALTH SYSTEMS FOR GLOBAL HEALTH SECURITY AND PANDEMIC PREVENTION AND PREPAREDNESS.—

(1) STATEMENT OF POLICY.—It is the policy of the United States to ensure that bilateral global health assistance programs are effectively managed and coordinated, as necessary and appropriate to achieve the purposes of this subtitle, to contribute to the strengthening of health systems for global health security and pandemic prevention, preparedness, and response in each country in which such programs are carried out.

(2) COORDINATION.—The USAID Administrator shall work with the Global Malaria Coordinator, the United States Global AIDS Coordinator, the Special Representative for Global Health Diplomacy at the Department of State, and, as appropriate, the Secretary of Health and Human Services, to identify areas of collaboration and coordination in countries with global health programs and activities undertaken by USAID pursuant to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25) and other relevant statutes to ensure that such activities contribute to the strengthening of health systems for global health security and pandemic prevention and preparedness.

(e) INTERNATIONAL PANDEMIC EARLY WARNING NETWORK.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of the other relevant Federal departments and agencies, should work with the World Health Organization and other key stakeholders to establish or strengthen effective early warning systems, at the partner country, regional, and international levels, that utilize innovative information and analytical tools and robust review processes to track, document, analyze, and forecast infectious disease threats with epidemic and pandemic potential.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 4 years, the Secretary of State, in coordination with the Secretary of Health and Human Services and the heads of the other relevant Federal departments and agencies, shall submit a report to the appropriate congressional committees, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives that describes United States Government efforts and opportunities to establish or strengthen effective early warning systems to detect infectious disease threats internationally.

(f) INTERNATIONAL EMERGENCY OPERATIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that it is essential to enhance the capacity of key stakeholders to effectively operationalize early warning and execute multi-sectoral emergency operations during an infectious disease outbreak, particularly in countries and areas that deliberately withhold critical global health data and delay access during an infectious disease outbreak in advance of the next infectious disease outbreak with pandemic potential.

(2) PUBLIC HEALTH EMERGENCIES OF INTERNATIONAL CONCERN.—The Secretary of State, in coordination with the Secretary of Health and Human Services, should work with the World Health Organization and like-minded member states to adopt an approach toward assessing infectious disease threats under the International Health Regulations (2005) for the World Health Organization to identify and transparently communicate, on an ongoing basis, varying levels of risk leading up to a declaration by the Director General of the World Health Organization of a Public Health Emergency of International Concern for the duration and in the aftermath of such declaration.

(3) EMERGENCY OPERATIONS.—The Secretary of State and the Secretary of Health and Human Services, in coordination with the USAID Administrator, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant Federal departments and agencies, and consistent with the requirements under the International Health Regulations (2005) and the objectives of the World Health Organization's Health Emergencies Programme, the Global Health Security Agenda, and national actions plans for health security, shall work, in cooperation with the World Health Organization,

with partner countries and other key stakeholders to support the establishment, strengthening, and rapid response capacity of global health emergency operations centers, at the partner country and international levels, including efforts—

(A) to collect and share public health data, assess risk, and operationalize early warning;

(B) to secure, including through utilization of stand-by arrangements and emergency funding mechanisms, the staff, systems, and resources necessary to execute cross-sectoral emergency operations during the 48-hour period immediately following an infectious disease outbreak with pandemic potential; and

(C) to organize and conduct emergency simulations.

SEC. 1285. INTERNATIONAL FINANCING MECHANISM FOR GLOBAL HEALTH SECURITY AND PANDEMIC PREVENTION AND PREPAREDNESS.

(a) DEFINED TERM.—In this section, the term ''eligible partner country'' means a country in which the Fund for Global Health Security and Pandemic Prevention and Preparedness established pursuant to subsection (b) may finance global health security and pandemic prevention and preparedness assistance programs under this subtitle based on—

(1) the country's demonstrated need, as identified through the IHR (2005) Monitoring and Evaluation Framework, the Global Health Security Index classification of health systems, national action plans for health security, the World Organization for Animal Health's Performance of Veterinary Services evaluation, and other complementary or successor indicators of global health security and pandemic prevention and preparedness; and

(2) the country's commitment to transparency, including—

(A) budget and global health data transparency;

(B) its compliance with the International Health Regulations (2005);

(C) investments in domestic health systems; and

(D) the achievement of measurable results.

(b) ESTABLISHMENT OF FUND FOR GLOBAL HEALTH SECURITY AND PANDEMIC PREVENTION AND PREPAREDNESS.—

(1) NEGOTIATIONS.—The Secretary of State, in coordination with the USAID Administrator, the Secretary of Health and Human Services, and the heads of other relevant Federal departments and agencies, as necessary and appropriate, should seek to enter into negotiations with donors, relevant United Nations agencies, including the World Health Organization, and other key multilateral stakeholders, to establish—

(A) a multilateral, catalytic financing mechanism for global health security and pandemic prevention and preparedness, which may be formed as financial intermediary fund of the World Bank and be known as the Fund for Global Health Security and Pandemic Prevention and Preparedness (referred to in this section as ''the Fund''), in accordance with the provisions of this subsection; and

(B) a Technical Advisory Panel to the Fund, in accordance with subsection (e).

(2) PURPOSES.—The purposes of the Fund should be—

(A) to close critical gaps in global health security and pandemic prevention and preparedness; and

(B) to work with, and build the capacity of, eligible partner countries in the areas of global health security, infectious disease control, and pandemic prevention and preparedness in order to—

(i) prioritize capacity building and financing availability in eligible partner countries;

(ii) incentivize countries to prioritize the use of domestic resources for global health security and pandemic prevention and preparedness;

(iii) leverage governmental, nongovernmental, and private sector investments;

(iv) regularly respond to and evaluate progress based on clear metrics and benchmarks, such as those developed through the IHR (2005) Monitoring and Evaluation Framework and the Global Health Security Index;

(v) align with and complement ongoing bilateral and multilateral efforts and financing, including through the World Bank, the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, the Coalition for Epidemic Preparedness and Innovation, and Gavi, the Vaccine Alliance; and

(vi) help countries accelerate and achieve compliance with the International Health Regulations (2005) and fulfill the Global Health Security Agenda 2024 Framework not later than 8 years after the date on which the Fund is established, in coordination with the ongoing Joint External Evaluation national action planning process.

(3) EXECUTIVE BOARD.—

(A) IN GENERAL.—The Fund should be governed by a transparent and accountable body (referred to in this section as the ''Executive Board''), which should—

(i) function as a partnership with, and through full engagement by, donor governments, eligible partner countries, and independent civil society; and

(ii) be composed of not more than 21 representatives of governments, foundations, academic institutions, independent civil society, indigenous people, vulnerable communities, frontline health workers, and the private sector with demonstrated commitment to carrying out the purposes of the Fund and upholding transparency and accountability requirements.

(B) DUTIES.—The Executive Board should—

(i) be charged with approving strategies, operations, and grant making authorities such that it is able to conduct effective fiduciary, monitoring, and evaluation efforts, and other oversight functions;

(ii) determine operational procedures to enable the Fund to effectively fulfill its mission;

(iii) provide oversight and accountability for the Fund in collaboration with the Inspector General established pursuant to subsection (d)(5)(A)(i);

(iv) develop and utilize a mechanism to obtain formal input from eligible partner countries, independent civil society, and implementing entities relative to program design, review, and implementation and associated lessons learned; and

(v) coordinate and align with other multilateral financing and technical assistance activities, and with the activities of the United States and other nations leading pandemic prevention, preparedness, and response activities in partner countries, as appropriate.

(C) COMPOSITION.—The Executive Board should include—

(i) representatives of the governments of founding member countries who, in addition to meeting the requirements under subparagraph (A), qualify based upon—

(I) meeting an established initial contribution threshold, which should be not less than 10 percent of the country's total initial contributions; and

(II) demonstrating a commitment to supporting the International Health Regulations (2005);

(ii) a geographically diverse group of members from donor countries, academic institutions, independent civil society, including faith-based and indigenous organizations, and the private sector who are selected on the basis of their experience and commitment to innovation, best practices, and the advancement of global health security objectives;

(iii) representatives of the World Health Organization, to serve in an observer status; and

(iv) the chair of the Global Health Security Agenda Steering Group, to serve in an observer status.

(D) CONTRIBUTIONS.—Each government or private sector entity represented on the Executive Board should agree to make annual contributions to the Fund in an amount that is not less than the minimum amount determined by the Executive Board.

(E) QUALIFICATIONS.—Individuals appointed to the Executive Board should have demonstrated knowledge and experience across a variety of sectors, including human and animal health, agriculture, development, defense, finance, research, and academia.

(F) CONFLICTS OF INTEREST.—All Executive Board members should be required to recuse themselves from matters presenting conflicts of interest, including financing decisions relating to such countries, bodies, and institutions.

(G) UNITED STATES REPRESENTATION.—

(i) FOUNDING MEMBER.—The Secretary of State should seek—

(I) to establish the United States as a founding member of the Fund; and

(II) to ensure the United States is represented on the Executive Board by an officer or employee of the United States who has been appointed by the President.

(ii) EFFECTIVE AND TERMINATION DATES.—

(I) EFFECTIVE DATE.—This subparagraph shall take effect on the date on which the Secretary of State submits to Congress a certified copy of the agreement establishing the Fund.

(II) TERMINATION DATE.—The membership established pursuant to clause (i) shall terminate upon the date of termination of the Fund.

(H) REMOVAL PROCEDURES.—The Fund should establish procedures for the removal of members of the Executive Board who—

(i) engage in a consistent pattern of human rights abuses;

(ii) fail to uphold global health data transparency requirements; or

(iii) otherwise violate the established standards of the Fund, including in relation to corruption.

(4) ENFORCEABILITY.—Any agreement concluded under the authorities provided under this subsection shall be legally effective and binding upon the United States, in accordance with the terms of the agreement—

(A) upon the enactment of appropriate implementing legislation that provides for the approval of the specific agreement or agreements, including attachments, annexes, and supporting documentation, as appropriate; or

(B) if concluded and submitted as a treaty, upon the approval by the Senate of the resolution of ratification of such treaty.

(c) AUTHORITIES.—

(1) PROGRAM OBJECTIVES.—

(A) IN GENERAL.—In carrying out the purpose described in subsection (b), the Fund, acting through the Executive Board, should—

(i) develop grant making requirements to be administered by an independent technical review panel comprised of entities barred from applying for funding or support;

(ii) provide grants, including challenge grants, technical assistance, concessional lending, catalytic investment funds, and

other innovative funding mechanisms, in coordination with ongoing bilateral and multilateral United States assistance efforts, as appropriate—

(I) to help eligible partner countries close critical gaps in health security, as identified through the IHR (2005) Monitoring and Evaluation Framework, the Global Health Security Index classification of health systems, and national action plans for health security and other complementary or successor indicators of global health security and pandemic prevention and preparedness; and

(II) to support measures that enable such countries, at both the national and subnational levels, and in partnership with civil society and the private sector, to strengthen and sustain resilient health systems and supply chains for global health security and pandemic prevention and preparedness with the resources, capacity, and personnel required to prevent, detect, and respond to infectious disease threats before they become pandemics;

(iii) leverage the expertise, capabilities, and resources of proven, existing agencies and organizations to effectively target and manage resources for impact, including through alignment with, and co-financing of, complementary programs, as appropriate, in accordance with subparagraph (C); and

(iv) develop recommendations for a mechanism for assisting countries that are at high risk for the emergence or reemergence of pathogens with pandemic potential to participate in the Global Health Security Agenda and the Joint External Evaluations.

(B) ACTIVITIES SUPPORTED.—The activities to be supported by the Fund should include efforts—

(i) to enable eligible partner countries to formulate and implement national health security and pandemic prevention and preparedness action plans, advance action packages under the Global Health Security Agenda, and adopt and uphold commitments under the International Health Regulations (2005) and complementary or successor indicators of global health security and pandemic prevention and preparedness, as appropriate;

(ii) to support global health security budget planning in eligible partner countries, including training in public financial management, integrated and transparent budget and global health data and human resource information systems;

(iii) to strengthen the health security workforce, including hiring, training, and deploying experts and other essential staff, including community health workers, to improve frontline prevention of, and monitoring and preparedness for, unknown, new, emerging, or reemerging pathogens of pandemic potential, including capacity to surge and manage additional staff during emergencies;

(iv) to improve the quality of community health worker programs as the foundation of pandemic preparedness and response through application of appropriate assessment tools;

(v) to improve—

(I) infection prevention and control;

(II) the protection of healthcare workers, including community health workers; and

(III) access to water and sanitation within healthcare settings;

(vi) to combat the threat of antimicrobial resistance;

(vii) to strengthen laboratory capacity and promote biosafety and biosecurity through the provision of material and technical assistance;

(viii) to reduce the risk of—

(I) bioterrorism;

(II) the emergence, reemergence, or spread of zoonotic disease (whether through loss of natural habitat, the commercial trade in wildlife for human consumption, or other means); and

(III) accidental biological release;

(ix) to build technical capacity to manage, as appropriate, supply chains for global health security and pandemic prevention and preparedness through effective forecasting, procurement, warehousing, and delivery from central warehouses to points of service in the public and private sectors;

(x) to enable bilateral, regional, and international partnerships and cooperation, including through pandemic early warning systems and emergency operations centers, to identify and address transnational infectious disease threats exacerbated by natural and man-made disasters, human displacement, and zoonotic infection;

(xi) to establish partnerships for the sharing of best practices and enabling eligible countries to meet targets and indicators under the IHR (2005) Monitoring and Evaluation Framework, the Global Health Security Index classification of health systems, and national action plans for health security relating to the prevention, detection, and treatment of neglected tropical diseases;

(xii) to develop and utilize metrics to monitor and evaluate programmatic performance and identify best practices, including in accordance with the IHR (2005) Monitoring and Evaluation Framework, including Joint External Evaluation benchmarks, Global Health Security Agenda targets, and Global Health Security Index indicators;

(xiii) to develop and deploy mechanisms to enhance and independently monitor the transparency and accountability of global health security and pandemic prevention and preparedness programs and data, in compliance with the International Health Regulations (2005), including through the sharing of trends, risks, and lessons learned;

(xiv) to promote broad participation in health emergency planning and advisory bodies, including by women and frontline health workers;

(xv) to develop and implement simulation exercises, to produce and release after action reports, and to address related gaps;

(xvi) to support countries in conducting Joint External Evaluations;

(xvii) to improve disease surveillance capacity in partner counties, including at the community level, to improve such countries' capacity to detect and respond to known and unknown pathogens and zoonotic infectious diseases; and

(xviii) to support governments through coordinated and prioritized assistance efforts to prevent the emergence, reemergence, or spread of zoonotic diseases caused by deforestation, commercial trade in wildlife for human consumption, climate-related events, and unsafe interactions between wildlife, livestock, and people.

(C) IMPLEMENTATION OF PROGRAM OBJECTIVES.—In carrying out the objectives described in subparagraph (A), the Fund should work to eliminate duplication and waste by upholding strict transparency and accountability standards and coordinating its programs and activities with key partners working to advance global health security and pandemic prevention and preparedness, including—

(i) governments, independent civil society, nongovernmental, faith-based, and indigenous organizations, research and academic institutions, and private sector entities in eligible partner countries;

(ii) the pandemic early warning systems and emergency operations centers to be established under subsections (e) and (f) of section 284;

(iii) the World Health Organization;

(iv) the Global Health Security Agenda;

(v) the Global Health Security Initiative;

(vi) the Global Fund to Fight AIDS, Tuberculosis and Malaria;

(vii) the United Nations Office for the Coordination of Humanitarian Affairs, UNICEF, and other relevant funds, programs, and specialized agencies of the United Nations;

(viii) Gavi, the Vaccine Alliance;

(ix) the Coalition for Epidemic Preparedness Innovations;

(x) the World Organisation for Animal Health;

(xi) the United Nations Environment Programme;

(xii) the Food and Agriculture Organization;

(xiii) the Global Polio Eradication Initiative; and

(xiv) the Special Representative for United States International Activities to Advance Global Health Security and Diplomacy Overseas described in section 1284(c).

(2) PRIORITY.—In providing assistance under this subsection, the Fund should give priority to low-and lower middle income countries with—

(A) low scores on the Global Health Security Index classification of health systems;

(B) measurable gaps in global health security and pandemic prevention and preparedness identified under the IHR (2005) Monitoring and Evaluation Framework and national action plans for health security;

(C) demonstrated political and financial commitment to pandemic prevention and preparedness; and

(D) demonstrated commitment to—

(i) upholding global health budget and data transparency and accountability standards;

(ii) complying with the International Health Regulations (2005);

(iii) investing in domestic health systems; and

(iv) achieving measurable results.

(3) ELIGIBLE GRANT RECIPIENTS.—Governments and nongovernmental, faith-based and indigenous organizations should be eligible to receive grants described in this subsection.

(d) ADMINISTRATION.—

(1) APPOINTMENTS.—The Executive Board of the Fund should appoint—

(A) an Administrator, who should be responsible for managing the day-to-day operations of the Fund; and

(B) an independent Inspector General, who should be responsible for monitoring grants implementation and proactively safeguarding against conflicts of interests.

(2) AUTHORITY TO ACCEPT AND SOLICIT CONTRIBUTIONS.—The Fund should be authorized to solicit and accept contributions from governments, the private sector, foundations, individuals, and nongovernmental entities of all kinds.

(3) ACCOUNTABILITY; CONFLICTS OF INTEREST; CRITERIA FOR PROGRAMS.—As part of the negotiations described in subsection (b)(1), the Secretary of the State, consistent with paragraph (4), shall—

(A) take such actions as may be necessary to ensure that the Fund will have in effect adequate procedures and standards to account for and monitor the use of funds contributed to the Fund, including the cost of administering the Fund;

(B) seek to ensure there is agreement to put in place a conflict of interest policy to ensure fairness and a high standard of ethical conduct in the Fund's decision-making processes, including proactive procedures to screen staff for conflicts of interest and measures to address any conflicts, such as—

(i) potential divestments of interests;

(ii) prohibition from engaging in certain activities;

(iii) recusal from certain decision-making and administrative processes; and

(iv) representation by an alternate board member; and

(C) seek agreement on the criteria that should be used to determine the programs and activities that should be assisted by the Fund.

(4) SELECTION OF PARTNER COUNTRIES, PROJECTS, AND RECIPIENTS.—The Executive Board should establish—

(A) eligible partner country selection criteria, including transparent metrics to measure and assess global health security and pandemic prevention and preparedness strengths and vulnerabilities in countries seeking assistance;

(B) minimum standards for ensuring eligible partner country ownership and commitment to long-term results, including requirements for domestic budgeting, resource mobilization, and co-investment;

(C) criteria for the selection of projects to receive support from the Fund;

(D) standards and criteria regarding qualifications of recipients of such support; and

(E) such rules and procedures as may be necessary—

(i) for cost-effective management of the Fund; and

(ii) to ensure transparency and accountability in the grant-making process.

(5) ADDITIONAL TRANSPARENCY AND ACCOUNTABILITY REQUIREMENTS.—

(A) INSPECTOR GENERAL.—

(i) IN GENERAL.—The Secretary of State shall seek to ensure that the Fund maintains and independent Office of the Inspector General, appointed pursuant to paragraph (1)(B), who—

(I) is fully enabled to operate independently and transparently;

(II) is supported by and with the requisite resources and capacity to regularly conduct and publish, on a publicly accessible website, rigorous financial, programmatic, and reporting audits and investigations of the Fund and its grantees, including subgrantees; and

(III) establishes an investigative unit that—

(aa) develops an oversight mechanism to ensure that grant funds are not diverted to illicit or corrupt purposes or activities; and

(bb) submits an annual report to the Executive Board describing its activities, investigations, and results.

(ii) SENSE OF CONGRESS ON CORRUPTION.—It is the sense of Congress that—

(I) corruption within global health programs contribute directly to the loss of human life and cannot be tolerated; and

(II) in making financial recoveries relating to a corrupt act or criminal conduct committed by a grant recipient, as determined by the Inspector General, the responsible grant recipient should be assessed at a recovery rate of up to 150 percent of such loss.

(B) ADMINISTRATIVE EXPENSES; FINANCIAL TRACKING SYSTEMS.—The Secretary of State shall seek to ensure the Fund establishes, maintains, and makes publicly available—

(i) a system to track the administrative and management costs of the Fund on a quarterly basis; and

(ii) a system to track the amount of funds disbursed to each grant recipient and subrecipient during each grant's fiscal cycle.

(C) EXEMPTION FROM DUTIES AND TAXES.—The Secretary should ensure that the Fund adopts rules that condition grants upon agreement by the relevant national authorities in an eligible partner country to exempt from duties and taxes all products financed by such grants, including procurements by any principal or subrecipient for the purpose of carrying out such grants.

(e) TECHNICAL ADVISORY PANEL.—

(1) IN GENERAL.—There should be an Technical Advisory Panel to the Fund.

(2) APPOINTMENTS.—The members of the Technical Advisory Panel should be composed of—

(A) a geographically diverse group of individuals that includes representation from low- and middle-income countries;

(B) individuals with experience and leadership in the fields of development, global health, epidemiology, medicine, biomedical research, and social sciences; and

(C) representatives of relevant United Nations agencies, including the World Health Organization, and nongovernmental, faith-based, and indigenous organizations with on-the ground experience in implementing global health programs in low and lower-middle income countries.

(3) RESPONSIBILITIES.—The Technical Advisory Panel should provide advice and guidance to the Executive Board of the Fund on the development and implementation of programs and projects to be assisted by the Fund and on leveraging donations to the Fund.

(4) PROHIBITION ON PAYMENT OF COMPENSATION.—

(A) IN GENERAL.—Except for travel expenses (including per diem in lieu of subsistence), no member of the Technical Advisory Panel should receive compensation for services performed as a member of the Board.

(B) UNITED STATES REPRESENTATIVE.—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Technical Advisory Panel may not accept compensation for services performed as a member of the Technical Advisory Panel, except that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative's home or regular place of business in the performance of services for the Technical Advisory Panel.

(5) CONFLICTS OF INTEREST.—Members of the Technical Advisory Panel should be required—

(A) to disclose any potential conflicts of interest before serving on the Technical Advisory Panel; and

(B) to recuse themselves from any matters that present any conflicts of interest during their service on the Technical Advisory Panel.

(f) REPORTS TO CONGRESS.—

(1) STATUS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the USAID Administrator, and the heads of other relevant Federal departments and agencies, shall submit a report to the appropriate congressional committees that describes the progress of international negotiations to establish the Fund.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Fund is established, and annually thereafter for the duration of the Fund, the Secretary of State shall submit a report on the activities of the Fund to the appropriate congressional committees.

(B) REPORT ELEMENTS.—The report required under subparagraph (A) shall describe—

(i) the goals of the Fund;

(ii) the programs, projects, and activities supported by the Fund;

(iii) private and governmental contributions to the Fund; and

(iv) the criteria utilized to determine the programs and activities that should be assisted by the Fund, including baselines, targets, desired outcomes, measurable goals, and extent to which those goals are being achieved.

(3) GAO REPORT ON EFFECTIVENESS.—Not later than 2 years after the date on which the Fund is established, the Comptroller General of the United States shall submit a report to the appropriate congressional committees that evaluates the effectiveness of the Fund, including—

(A) the effectiveness of the programs, projects, and activities supported by the Fund; and

(B) an assessment of the merits of continued United States participation in the Fund.

(g) UNITED STATES CONTRIBUTIONS.—

(1) IN GENERAL.—Subject to paragraph (4)(C), the President may release Federal funding that has been appropriated by Congress for United States contributions to the Fund.

(2) NOTIFICATION.—The Secretary of State shall notify the appropriate congressional committees not later than 15 days before making a contribution to the Fund of—

(A) the amount of the proposed contribution;

(B) the total of funds contributed by other donors; and

(C) the national interests served by United States participation in the Fund.

(3) LIMITATION.—During the 5-year period beginning on the date of the enactment of this Act, the cumulative total of United States contributions to the Fund may not exceed 33 percent of the total contributions to the Fund from all sources.

(4) WITHHOLDINGS.—

(A) SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—If the Secretary of State determines that the Fund has provided assistance to a country, the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) has repeatedly provided support for acts of international terrorism, the United States shall withhold from its contribution to the Fund for the next fiscal year an amount equal to the amount expended by the Fund to the government of such country.

(B) EXCESSIVE SALARIES.—If the Secretary of State determines that the salary during any of the first 5 fiscal years beginning after the date of the enactment of this Act of any individual employed by the Fund exceeds the salary of the Vice President of the United States for such fiscal year, the United States should withhold from its contribution for the following fiscal year an amount equal to the aggregate difference between the 2 salaries.

(C) ACCOUNTABILITY CERTIFICATION REQUIREMENT.—The Secretary of State may withhold not more than 20 percent of planned United States contributions to the Fund until the Secretary certifies to the appropriate congressional committees that the Fund has established procedures to provide access by the Office of Inspector General of the Department of State, as cognizant Inspector General, the Inspector General of the Department of Health and Human Services, the USAID Inspector General, and the Comptroller General of the United States to the Fund's financial data and other information relevant to United States contributions to the Fund (as determined by the Inspector General of the Department of State, in consultation with the Secretary of State).

SEC. 1286. GENERAL PROVISIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary, for the 5-year period beginning on October 1, 2022, $5,000,000,000, which—

(A) shall be used to carry out sections 1284 and 1285, in consultation with the appropriate congressional committees and subject to the requirements under chapters 1 and 10 of part I and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); and

(B) may include support for—

(i) enhancing pandemic prevention, preparedness, and response in partner countries through implementation of the Global Health Security and Diplomacy Strategy developed pursuant to section 1284; and

(ii) United States contributions to a multilateral, catalytic financing mechanism for global health security and pandemic prevention and preparedness described in section 1285.

(2) EXCEPTION.—Section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) shall not apply to assistance made available pursuant to this subsection.

(b) COMPLIANCE WITH THE FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2016.—Section 2(3) of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114–191; 22 U.S.C. 2394c note) is amended—

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

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

(3) by adding at the end the following:

''(F) the International Pandemic Preparedness and COVID–19 Response Act of 2022.''.

SEC. 1287. SUNSET.

This subtitle, and the amendments to this subtitle, shall cease to be effective on September 30, 2027.

SA 6220. Mr. PETERS (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 end of subtitle C of title III, add the following:

SEC. 334. INFORMATIONAL PRODUCT ON KNOWN EXPOSURES TO PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES ON INSTALLATIONS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to each member of the Armed Forces an informational product on perfluoroalkyl substances and polyfluoroalkyl substances that includes all the major categories of known exposures to such substances while serving in the Armed Forces, including—

(1) aqueous film forming foam;

(2) certain industrial products used in aerospace, photographic imaging, semiconductor, automotive, construction, electronics, and aviation industries;

(3) drinking water systems on an installation of the Department of Defense; and

(4) surface water and runoff on an installation of the Department.

(b) HEALTH CONCERNS.—The informational product required under subsection (a) shall include information about health concerns relating to perfluoroalkyl substances and polyfluoroalkyl substances.

(c) PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES DEFINED.—In this section, the term ''perfluoroalkyl substances and polyfluoroalkyl substances'' means the following:

(1) Perfluorooctanoic acid (commonly referred to as ''PFOA'', Chemical Abstracts Service No. 335–67–1).

(2) Perfluorooctane sulfonic acid (commonly referred to as ''PFOS'', Chemical Abstracts Service No. 1763–23–1).

(3) Perfluorobutanesulfonic acid (commonly referred to as ''PFBS'', Chemical Abstracts Service No. 375–73–5).

(4) Hexafluoropropylene oxide (commonly referred to as ''GenX'', Chemical Abstracts Service No. 13252–13–1).

SA 6221. 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 in title X, insert the following:

SEC. _____. PROHIBITION ON CONTRACTING WITH COMPANIES THAT PURCHASE ITEMS AND SERVICES DETERMINED TO POSE A NATIONAL SECURITY RISK.

(a) PROHIBITION.—The Secretary of Defense, in consultation with the heads of such other Federal agencies as the Secretary determines appropriate, shall not contract for, whether directly or through work with or on behalf of another department, agency, organization, or element of the Federal Government, any hardware, software, or services developed or provided, in whole or in part, by—

(1) any entity on the Entity List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations;

(2) covered telecommunications equipment or services (as defined in section 52.204–25 of title 48, Code of Federal Regulations, or successor regulations); or

(3) any service included in the list published pursuant to section 2(a) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601(a)).

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on October 1, 2023.

(c) REVIEW AND REPORT.—

(1) REVIEW.—The Secretary of Defense shall, in consultation with the Secretary of Energy, the Secretary of Homeland Security, the Attorney General, the Administrator of the General Services Administration, the Secretary of the Treasury, and the Director of National Intelligence, conduct a review of the procedures for removing suspect products, services, or entities from contracts as required under subsection (a).

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the review conducted under paragraph (1).

(B) ELEMENTS.—The report submitted under subparagraph (A) shall include the following:

(i) A description of the authorities of the Department of Defense that may be used to prohibit, exclude, or prevent the use of suspect products, services, or entities by contractors of the Department, including—

(I) the discretionary authorities of the Department to prohibit, exclude, or prevent the use of such products, services, or entities;

(II) the authorities of a suspension and debarment official to prohibit, exclude, or prevent the use of such products, services, or entities;

(III) authorities relating to supply chain risk management;

(IV) authorities that provide for the continuous monitoring of information technology networks to identify suspect products, services, or entities; and

(V) the authorities provided under the Federal Information Security Management Act of 2002 (Public Law 107–296).

(ii) An assessment of any gaps in the authorities described in clause (i), including any gaps in the enforcement of decisions made under such authorities.

(iii) An explanation of the capabilities and methodologies used to periodically assess and monitor the information technology networks of contractors of the Department of Defense for prohibited products, services, or entities.

(iv) An assessment of the ability of the Department of Defense to periodically conduct training and exercises in the use of the authorities described in clause (i)—

(I) to identify recommendations for streamlining process; and

(II) to identify recommendations for education and training curricula, to be integrated into existing training or certification courses.

(v) A description of information sharing mechanisms that may be used to share information about suspect products, services, or entities, including mechanisms for the sharing of such information among the Federal Government, industry, the public, and international partners.

(vi) Identification of existing tools for business intelligence, application management, and commerce due-diligence that are either in use by elements of the Federal Government, or that are available commercially, and may be used to monitor the supply chains of contractors of the Department of Defense.

(vii) Recommendations for improving the authorities, processes, resourcing, and capabilities of the Federal Government for the purpose of improving the procedures for identifying and removing prohibited products or services from the supply chain of contractors of the Department of Defense.

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

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

SA 6222. 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:

TITLE _____—STRATEGIC EV MANAGEMENT

SEC. ___01 SHORT TITLE.

This title may be cited as the ''Strategic EV Management Act of 2022''.

SEC. ___02. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, 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; and

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

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

SEC. ___03. STRATEGIC GUIDANCE.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Director, shall coordinate with the heads of agencies to develop a comprehensive, strategic plan for Federal electric vehicle fleet battery management.

(b) CONTENTS.—The strategic plan required under subsection (a) shall—

(1) maximize both cost and environmental efficiencies; and

(2) incorporate—

(A) guidelines for optimal charging practices that will maximize battery longevity and prevent premature degradation;

(B) guidelines for reusing and recycling the batteries of retired vehicles; and

(C) any other considerations determined appropriate by the Administrator and Director.

(c) MODIFICATION.—The Administrator, in consultation with the Director, may periodically update the strategic plan required under subsection (a) as the Administrator and Director may determine necessary based on new information relating to electric vehicle batteries that becomes available.

(d) CONSULTATION.—In developing the strategic plan required under subsection (a) the Administrator, in consultation with the Director, may consult with appropriate entities, including—

(1) the Secretary of Energy;

(2) the Administrator of the Environmental Protection Agency;

(3) the Chair of the Council on Environmental Quality;

(4) scientists who are studying electric vehicle batteries and reuse and recycling solutions;

(5) laboratories, companies, colleges, universities, or start-ups engaged in battery use, reuse, and recycling research;

(6) industries interested in electric vehicle battery reuse and recycling;

(7) electric vehicle equipment manufacturers and recyclers; and

(8) any other relevant entities, as determined by the Administrator and Director.

(e) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator and the Director shall submit to the appropriate congressional committees a report that describes the strategic plan required under subsection (a).

(2) BRIEFING.—Not later than 4 years after the date of enactment of this Act, the Administrator and the Director shall brief the appropriate congressional committees on the implementation of the strategic plan required under subsection (a) across agencies.

SEC. ___04. STUDY OF FEDERAL FLEET VEHICLES.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on how the costs and benefits of operating and maintaining electric vehicles in the Federal fleet compare to the costs and benefits of operating and maintaining internal combustion engine vehicles.

SA 6223. Mr. CORNYN (for himself 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, insert the following:

TITLE _____—CORONAVIRUS STATE, LOCAL, AND TRIBAL RELIEF FUNDS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act''.

SEC. ___02. AUTHORITY TO USE CORONAVIRUS RELIEF FUNDS FOR INFRASTRUCTURE PROJECTS.

(a) IN GENERAL.—Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended—

(1) in section 602—

(A) in subsection (a)(1), by inserting ''(except as provided in subsection (c)(5))'' after ''December 31, 2024''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''paragraph (3)'' and inserting ''paragraphs (3), (4), and (5)'';

(II) by amending subparagraph (C) to read as follows:

''(C) for the provision of government services up to an amount equal to the greater of—

''(i) the amount of the reduction in revenue of such State, territory, or Tribal government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency; or

''(ii) $10,000,000;'';

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

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

''(E) to provide emergency relief from natural disasters or the negative economic impacts of natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs.''; and

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

''(5) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

''(A) IN GENERAL.—Subject to subparagraph (C), notwithstanding any other provision of law, a State, territory, or Tribal government receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B), including, to the extent consistent with guidance or rules issued by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to subparagraph (C)(iv)—

''(i) in the case of a project eligible under section 117 of title 23, United States Code, or section 5309 or 6701 of title 49, United States Code, to satisfy a non-Federal share requirement applicable to such a project; and

''(ii) in the case of a project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code—

''(I) to satisfy a non-Federal share requirement applicable to such a project; and

''(II) to repay a loan provided under such program.

''(B) PROJECTS DESCRIBED.—A project referred to in subparagraph (A) is any of the following:

''(i) A project eligible under section 117 of title 23, United States Code.

''(ii) A project eligible under section 119 of title 23, United States Code.

''(iii) A project eligible under section 124 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(iv) A project eligible under section 133 of title 23, United States Code.

''(v) An activity to carry out section 134 of title 23, United States Code.

''(vi) A project eligible under section 148 of title 23, United States Code.

''(vii) A project eligible under section 149 of title 23, United States Code.

''(viii) A project eligible under section 151(f) of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(ix) A project eligible under section 165 of title 23, United States Code.

''(x) A project eligible under section 167 of title 23, United States Code.

''(xi) A project eligible under section 173 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(xii) A project eligible under section 175 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(xiii) A project eligible under section 176 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(xiv) A project eligible under section 202 of title 23, United States Code.

''(xv) A project eligible under section 203 of title 23, United States Code.

''(xvi) A project eligible under section 204 of title 23, United States Code.

''(xvii) A project eligible under the program for national infrastructure investments (commonly known as the 'Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program').

''(xviii) A project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code.

''(xix) A project that furthers the completion of a designated route of the Appalachian Development Highway System under section 14501 of title 40, United States Code.

''(xx) A project eligible under section 5307 of title 49, United States Code.

''(xxi) A project eligible under section 5309 of title 49, United States Code.

''(xxii) A project eligible under section 5311 of title 49, United States Code.

''(xxiii) A project eligible under section 5337 of title 49, United States Code.

''(xxiv) A project eligible under section 5339 of title 49, United States Code.

''(xxv) A project eligible under section 6703 of title 49, United States Code, as added by the Infrastructure Investment and Jobs Act.

''(xxvi) A project eligible under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(xxvii) A project eligible under the bridge replacement, rehabilitation, preservation, protection, and construction program under paragraph (1) under the heading 'HIGHWAY INFRASTRUCTURE PROGRAM' under the heading 'FEDERAL HIGHWAY ADMINISTRATION' under the heading 'DEPARTMENT OF TRANSPORTATION' under title VIII of division J of the Infrastructure Investment and Jobs Act.

''(C) LIMITATIONS; APPLICATION OF REQUIREMENTS.—

''(i) LIMITATION ON AMOUNTS TO BE USED FOR INFRASTRUCTURE PROJECTS.—

''(I) IN GENERAL.—The total amount that a State, territory, or Tribal government may use from a payment made under this section

for uses described in subparagraph (A) shall not exceed the greater of—

''(aa) $10,000,000; and

''(bb) 30 percent of such payment.

''(II) RULE OF APPLICATION.—The spending limitation under subclause (I) shall not apply to any use of funds permitted under paragraph (1), and any such use of funds shall be disregarded for purposes of applying such spending limitation.

''(ii) LIMITATION ON OPERATING EXPENSES.—Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xx) through (xxiv) of subparagraph (B).

''(iii) APPLICATION OF REQUIREMENTS.—Except as otherwise determined by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to clause (iv) or provided in this section—

''(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section that are used pursuant to subparagraph (A) for a project described in clause (xxvi) of subparagraph (B) that relates to broadband infrastructure;

''(II) the requirements of titles 23, 40, and 49 of the United States Code, title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq) shall apply to funds provided under a payment made under this section that are used for projects described in subparagraph (B); and

''(III) a State government receiving a payment under this section may use funds provided under such payment for projects described in clauses (i) through (xxvii) of subparagraph (B), as applicable, that—

''(aa) demonstrate progress in achieving a state of good repair as required by the State's asset management plan under section 119(e) of title 23, United States Code; and

''(bb) support the achievement of 1 or more performance targets of the State established under section 150 of title 23, United States Code.

''(iv) OVERSIGHT.—The Secretary may delegate oversight and administration of the requirements described in clause (iii) to the appropriate Federal agency.

''(v) SUPPLEMENT, NOT SUPPLANT.—Amounts from a payment made under this section that are used by a State, territory, or Tribal government for uses described in subparagraph (A) shall supplement, and not supplant, other Federal, State, territorial, Tribal, and local government funds (as applicable) otherwise available for such uses.

''(D) REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide periodic reports on the use of funds by States, territories, and Tribal governments under subparagraph (A).

''(E) AVAILABILITY.—Funds provided under a payment made under this section to a State, territory, or Tribal government shall remain available for obligation for a use described in subparagraph (A) through December 31, 2024, except that no amount of such funds may be expended after September 30, 2026.''; and

(2) in subsection 603—

(A) in subsection (a), by inserting ''(except as provided in subsection (c)(6))'' after ''December 31, 2024''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), (5), and (6)'';

(II) by amending subparagraph (C) to read as follows:

''(C) for the provision of government services up to an amount equal to the greater of—

''(i) the amount of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county to the emergency; or

''(ii) $10,000,000;'';

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

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

''(E) to provide emergency relief from natural disasters or the negative economic impacts of natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs.''; and

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

''(6) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), notwithstanding any other provision of law, a metropolitan city, nonentitlement unit of local government, or county receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B) of section 602(c)(5), including, to the extent consistent with guidance or rules issued by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to subparagraph (B)(iv)—

''(i) in the case of a project eligible under section 117 of title 23, United States Code, or section 5309 or 6701 of title 49, United States Code, to satisfy a non-Federal share requirement applicable to such a project; and

''(ii) in the case of a project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code—

''(I) to satisfy a non-Federal share requirement applicable to such a project; and

''(II) to repay a loan provided under such program.

''(B) LIMITATIONS; APPLICATION OF REQUIREMENTS.—

''(i) LIMITATION ON AMOUNTS TO BE USED FOR INFRASTRUCTURE PROJECTS.—

''(I) IN GENERAL.—The total amount that a metropolitan city, nonentitlement unit of local government, or county may use from a payment made under this section for uses described in subparagraph (A) shall not exceed the greater of—

''(aa) $10,000,000; and

''(bb) 30 percent of such payment.

''(II) RULE OF APPLICATION.—The spending limitation under subclause (I) shall not apply to any use of funds permitted under paragraph (1), and any such use of funds shall be disregarded for purposes of applying such spending limitation.

''(ii) LIMITATION ON OPERATING EXPENSES.—Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xx) through (xxiv) of section 602(c)(5)(B).

''(iii) APPLICATION OF REQUIREMENTS.—Except as otherwise determined by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to clause (iv) or provided in this section—

''(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section that are used pursuant to subparagraph (A) for a project described in clause (xxvi) of section 602(c)(5)(B) that relates to broadband infrastructure; and

''(II) the requirements of titles 23, 40, and 49 of the United States Code, title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq) shall apply to funds provided under a payment made under this section that are used for projects described in section 602(c)(5)(B).

''(iv) OVERSIGHT.—The Secretary may delegate oversight and administration of the requirements described in clause (iii) to the appropriate Federal agency.

''(v) SUPPLEMENT, NOT SUPPLANT.—Amounts from a payment made under this section that are used by a metropolitan city, nonentitlement unit of local government, or county for uses described in subparagraph (A) shall supplement, and not supplant, other Federal, State, territorial, Tribal, and local government funds (as applicable) otherwise available for such uses.

''(C) REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide periodic reports on the use of funds by metropolitan cities, nonentitlement units of local government, or counties under subparagraph (A).

''(D) AVAILABILITY.—Funds provided under a payment made under this section to a metropolitan city, nonentitlement unit of local government, or county shall remain available for obligation for a use described in subparagraph (A) through December 31, 2024, except that no amount of such funds may be expended after September 30, 2026.''.

(b) TECHNICAL AMENDMENTS.—Sections 602(c)(3) and 603(c)(3) of title VI of the Social Security Act (42 U.S.C. 802(c)(3), 803(c)(3)) are each amended by striking ''paragraph (17) of''.

(c) GUIDANCE AND EFFECTIVE DATE.—

(1) GUIDANCE OR RULE.—Within 60 days of the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Transportation, shall issue guidance or promulgate a rule to carry out the amendments made by this section, including updating reporting requirements on the use of funds under this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the issuance of guidance or the promulgation of a rule described in paragraph (1).

(d) DEPARTMENT OF THE TREASURY ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the unobligated balances from amounts made available to the Secretary of the Treasury (referred to in this subsection as the ''Secretary'') for administrative expenses pursuant to the provisions specified in paragraph (2) shall be available to the Secretary (in addition to any other appropriations provided for such purpose) for any administrative expenses of the Department of the Treasury determined by the Secretary to be necessary to respond to the coronavirus emergency, including any expenses necessary to implement any provision of—

(A) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136);

(B) division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(C) the American Rescue Plan Act (Public Law 117–2); or

(D) title VI of the Social Security Act (42 U.S.C. 801 et seq.).

(2) PROVISIONS SPECIFIED.—The provisions specified in this paragraph are the following:

(A) Sections 4003(f) and 4112(b) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

(B) Section 421(f)(2) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(C) Sections 3201(a)(2)(B), 3206(d)(1)(A), and 7301(b)(5) of the American Rescue Plan Act of 2021 (Public Law 117–2).

(D) Section 602(a)(2) of the Social Security Act (42 U.S.C. 802(a)(2)).

SEC. ___03. EXTENSION OF AVAILABILITY OF CORONAVIRUS RELIEF FUND PAYMENTS TO TRIBAL GOVERNMENTS.

Section 601(d)(3) of the Social Security Act (42 U.S.C. 801(d)(3)) is amended by inserting ''(or, in the case of costs incurred by a Tribal government, during the period that begins on March 1, 2020, and ends on December 31, 2023)'' before the period.

SEC. ___04. RESCISSION OF CORONAVIRUS RELIEF AND RECOVERY FUNDS DECLINED BY STATES, TERRITORIES, OR OTHER GOVERNMENTAL ENTITIES.

Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following new section:

''SEC. 606. RESCISSION OF FUNDS DECLINED BY STATES, TERRITORIES, OR OTHER GOVERNMENTAL ENTITIES.

''(a) RESCISSION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), if a State, territory, or other governmental entity provides notice to the Secretary of the Treasury in the manner provided by the Secretary of the Treasury that the State, territory, or other governmental entity intends to decline all or a portion of the amounts that are to be awarded to the State, territory, or other governmental entity from funds appropriated under this title, an amount equal to the unaccepted amounts or portion of such amounts allocated by the Secretary of the Treasury as of the date of such notice that would have been awarded to the State, territory, or other governmental entity shall be rescinded from the applicable appropriation account.

''(2) EXCLUSION.—Paragraph (1) shall not apply with respect to funds that are to be paid to a State under section 603 for distribution to nonentitlement units of local government.

''(3) RULES OF CONSTRUCTION.—Paragraph (1) shall not be construed as—

''(A) preventing a sub-State governmental entity, including a nonentitlement unit of local government, from notifying the Secretary of the Treasury that the sub-State governmental entity intends to decline all or a portion of the amounts that a State may distribute to the entity from funds appropriated under this title; or

''(B) allowing a State to prohibit or otherwise prevent a sub-State governmental entity from providing such a notice.

''(b) USE FOR DEFICIT REDUCTION.—Amounts rescinded under subsection (a) shall be deposited in the general fund of the Treasury for the sole purpose of deficit reduction.

''(c) STATE OR OTHER GOVERNMENTAL ENTITY DEFINED.—In this section, the term 'State, territory, or other governmental entity' means any entity to which a payment may be made directly to the entity under this title other than a Tribal government, as defined in sections 601(g), 602(g), and 604(d), and an eligible Tribal government, as defined in section 605(f).''.

SA 6224. Mr. TILLIS (for himself 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 end, add the following:

DIVISION E—LUMBEE TRIBE OF NORTH CAROLINA RECOGNITION ACT

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Lumbee Tribe of North Carolina Recognition Act of 2022''.

SEC. 5002. FEDERAL RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254, chapter 375), is amended—

(1) by striking section 2;

(2) in the first sentence of the first section, by striking ''That the Indians'' and inserting the following:

''SEC. 3. DESIGNATION OF LUMBEE INDIANS.

''The Indians'';

(3) in the preamble—

(A) by inserting before the first undesignated clause the following:

''SECTION 1. FINDINGS.

''Congress finds that—'';

(B) by designating the undesignated clauses as paragraphs (1) through (4), respectively, and indenting appropriately;

(C) by striking ''Whereas'' each place it appears;

(D) by striking ''and'' after the semicolon at the end of each of paragraphs (1) and (2) (as so designated); and

(E) in paragraph (4) (as so designated), by striking '': Now, therefore,'' and inserting a period;

(4) by moving the enacting clause so as to appear before section 1 (as so designated);

(5) by striking the last sentence of section 3 (as designated by paragraph (2));

(6) by inserting before section 3 (as designated by paragraph (2)) the following:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(2) TRIBE.—The term 'Tribe' means the Lumbee Tribe of North Carolina or the Lumbee Indians of North Carolina.''; and

(7) by adding at the end the following:

''SEC. 4. FEDERAL RECOGNITION.

''(a) IN GENERAL.—Federal recognition is extended to the Tribe (as designated as petitioner number 65 by the Office of Federal Acknowledgment).

''(b) APPLICABILITY OF LAWS.—All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Tribe and its members.

''(c) PETITION FOR ACKNOWLEDGMENT.—Notwithstanding section 3, any group of Indians in Robeson and adjoining counties, North Carolina, whose members are not enrolled in the Tribe (as determined under section 5(d)) may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgment of tribal existence.

''SEC. 5. ELIGIBILITY FOR FEDERAL SERVICES.

''(a) IN GENERAL.—The Tribe and its members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes.

''(b) SERVICE AREA.—For the purpose of the delivery of Federal services and benefits described in subsection (a), those members of the Tribe residing in Robeson, Cumberland, Hoke, and Scotland counties in North Carolina shall be deemed to be residing on or near an Indian reservation.

''(c) DETERMINATION OF NEEDS.—On verification by the Secretary of a tribal roll under subsection (d), the Secretary and the Secretary of Health and Human Services shall—

''(1) develop, in consultation with the Tribe, a determination of needs to provide the services for which members of the Tribe are eligible; and

''(2) after the tribal roll is verified, each submit to Congress a written statement of those needs.

''(d) TRIBAL ROLL.—

''(1) IN GENERAL.—For purpose of the delivery of Federal services and benefits described in subsection (a), the tribal roll in effect on the date of enactment of this section shall, subject to verification by the Secretary, define the service population of the Tribe.

''(2) VERIFICATION LIMITATION AND DEADLINE.—The verification by the Secretary under paragraph (1) shall—

''(A) be limited to confirming documentary proof of compliance with the membership criteria set out in the constitution of the Tribe adopted on November 16, 2001; and

''(B) be completed not later than 2 years after the submission of a digitized roll with supporting documentary proof by the Tribe to the Secretary.

''SEC. 6. AUTHORIZATION TO TAKE LAND INTO TRUST.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is hereby authorized to take land into trust for the benefit of the Tribe.

''(b) TREATMENT OF CERTAIN LAND.—An application to take into trust land located within Robeson County, North Carolina, under this section shall be treated by the Secretary as an 'on reservation' trust acquisition under part 151 of title 25, Code of Federal Regulations (or a successor regulation).

''SEC. 7. JURISDICTION OF STATE OF NORTH CAROLINA.

''(a) IN GENERAL.—With respect to land located within the State of North Carolina that is owned by, or held in trust by the United States for the benefit of, the Tribe, or any dependent Indian community of the Tribe, the State of North Carolina shall exercise jurisdiction over—

''(1) all criminal offenses that are committed; and

''(2) all civil actions that arise.

''(b) TRANSFER OF JURISDICTION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may accept on behalf of the United States, after consulting with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in subsection (a) over Indian country occupied by the Tribe pursuant to an agreement between the Tribe and the State of North Carolina.

''(2) RESTRICTION.—A transfer of jurisdiction described in paragraph (1) may not take effect until 2 years after the effective date of the agreement described in that paragraph.

''(c) EFFECT.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

''SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act.

''SEC. 9. SHORT TITLE.

''This Act may be cited as the 'Lumbee Tribe of North Carolina Recognition Act'.''.

SA 6225. 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 E of title X, add the following:

SECTION 1052. SECURING AMERICA'S BORDERS AGAINST FENTANYL.

(a) SHORT TITLE.—This section may be cited as the ''Securing America's Borders Against Fentanyl Act''.

(b) DEFINITIONS.—In this section:

(1) 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.

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

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

(c) REPORTS, EVALUATIONS, AND RESEARCH REGARDING DRUG INTERDICTION AT AND BETWEEN PORTS OF ENTRY.—

(1) RESEARCH ON ADDITIONAL TECHNOLOGIES TO DETECT FENTANYL.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Centers for Disease Control and Prevention, the Drug Enforcement Administration, the Food and Drug Administration, the Defense Advanced Research Projects Agency, the Intelligence Advanced Research Projects Activity, and any other Federal agency that the Secretary deems appropriate, shall research additional technological solutions—

(i) to target and detect illicit fentanyl and its precursors, including low-purity fentanyl, especially in counterfeit pressed tablets, and illicit pill press molds;

(ii) to enhance targeting of counterfeit pills through nonintrusive, noninvasive, and other visual screening technologies; and

(iii) to enhance data-driven targeting to increase interdiction and seizure rates of fentanyl, its precursors, and illicit pill press molds.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department $20,000,000 for each of the fiscal years 2023 through 2027 to carry out this paragraph.

(2) EVALUATION OF CURRENT TECHNOLOGIES AND STRATEGIES IN ILLICIT DRUG INTERDICTION AND PROCUREMENT DECISIONS.—

(A) ESTABLISHMENT OF DATA COLLECTION PROGRAM.—

(i) IN GENERAL.—The Secretary, in consultation with the Administrator of the Drug Enforcement Administration, the Director of the Federal Bureau of Investigation, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and the Postmaster General, shall establish a program to collect available data and develop metrics to measure the effectiveness of technologies and strategies used by the Department (including U.S. Customs and Border Protection) and other relevant Federal agencies for detecting, deterring, or addressing illicit fentanyl and its precursors being trafficking into the United States at and between land, air, and sea ports of entry.

(ii) CONSIDERATIONS.—The data and metrics program established pursuant to clause (i) may consider—

(I) the rate of detection of fentanyl at random secondary inspections at such ports of entry;

(II) investigations and intelligence sharing into the origins of illicit fentanyl later detected within the United States; and

(III) other data or metrics that the Secretary considers appropriate.

(iii) UPDATES.—The Secretary, as appropriate and in the coordination with the officials referred to in clause (i), may update the data and metrics program established pursuant to clause (i).

(B) REPORTS.—

(i) DEPARTMENT OF HOMELAND SECURITY.—Not later than 1 year after the date of the enactment of this Act and biennially thereafter, the Secretary, in consultation with the Administrator of the Drug Enforcement Administration, the Director of the Federal Bureau of Investigation, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and the Postmaster General shall, based on the data collected and metrics developed under the program established pursuant to subparagraph (A), submit a report to the appropriate congressional committees that—

(I) examines and analyzes current technologies deployed at land, air, and sea ports of entry, including pilot technologies, to assess how well and accurately such technologies detect, deter, interdict, and address fentanyl and its precursors;

(II) examines and analyzes current technologies deployed between land ports of entry, including pilot technologies and technologies used to inspect international mail and express cargo, to assess how well and accurately such technologies detect, deter, interdict, and address fentanyl and its precursors;

(III) contains a cost-benefit analysis of technologies used in drug interdiction; and

(IV) describes how such analysis may be used when making procurement decisions relating to such technologies.

(ii) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 1 year after the submission of each report required under clause (i), the Comptroller General of the United States shall submit a report to the appropriate congressional committees that evaluates and, as appropriate, makes recommendations to improve, the data collected and metrics used in each such report.

(d) OFFICE OF NATIONAL DRUG CONTROL POLICY PERFORMANCE MEASUREMENT SYSTEM SUPPLEMENTAL STRATEGIES.—Section 706(h) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705(h)) is amended—

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

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) develops performance measures and targets for the National Drug Control Strategy for supplemental strategies (including the Southwest Border, Northern Border, and Caribbean Border Counternarcotics Strategies)—

''(A) to effectively evaluate region-specific goals, to the extent the performance measurement system does not adequately measure the effectiveness of the strategies, as determined by the Director; and

''(B) may evaluate interdiction efforts at and between ports of entry, interdiction technology, intelligence sharing, diplomacy, and other appropriate metrics, specific to each supplemental strategies region, as determined by the Director.''.

SA 6226. Mr. KELLY (for himself, Mr. ROUNDS, 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 end of subtitle G of title V, add the following:

SEC. 589. AUTHORIZATION FOR AWARD OF MEDAL OF HONOR TO E. ROYCE WILLIAMS FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 8298 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 8291 of such title to E. Royce Williams for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor described in this subsection are the actions of E. Royce Williams, as a lieutenant in the Navy, on November 18, 1952.

SA 6227. Mr. HEINRICH (for himself and 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, add the following:

DIVISION E—RECOVERING AMERICA'S WILDLIFE ACT OF 2022

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Recovering America's Wildlife Act of 2022''.

SEC. 5002. STATEMENT OF PURPOSE.

The purpose of this division is to extend financial and technical assistance to States, territories, the District of Columbia, and Indian Tribes, including under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), for the purpose of avoiding the need to list species, or recovering species currently listed as a threatened species or an endangered species, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or under State law.

TITLE LI—WILDLIFE CONSERVATION AND RESTORATION

SEC. 5101. WILDLIFE CONSERVATION AND RESTORATION SUBACCOUNT.

(a) IN GENERAL.—Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended in subsection (c)—

(1) by redesignating paragraphs (2) and (3) as paragraphs (9) and (10); and

(2) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT OF SUBACCOUNT.—

''(A) IN GENERAL.—There is established in the fund a subaccount to be known as the 'Wildlife Conservation and Restoration Subaccount' (referred to in this section as the 'Subaccount').

''(B) AVAILABILITY.—Amounts in the Subaccount shall be available without further appropriation, for each fiscal year, for apportionment in accordance with this Act.

''(C) DEPOSITS INTO SUBACCOUNT.—

''(i) IN GENERAL.—The Secretary of the Treasury shall transfer from the general fund of the Treasury to the Subaccount—

''(I) for fiscal year 2022, $850,000,000;

''(II) for fiscal year 2023, $1,100,000,000;

''(III) for fiscal year 2024, $1,200,000,000; and

''(IV) for fiscal year 2025, and for each fiscal year thereafter, $1,300,000,000.

''(ii) FUNDING SOURCE.—

''(I) DEFINITION.—In this clause, the term 'remaining natural resource or environmental-related violation revenue' means the amount of all civil or criminal penalties, fines, sanctions, forfeitures, or other revenues resulting from natural resource or environmental-related violations or enforcement actions by any Federal agency that are not directed to be deposited in a fund other than the general fund of the Treasury or have otherwise been appropriated.

''(II) USE OF REVENUE.—Beginning in fiscal year 2022, and for each fiscal year thereafter, the total amount of the remaining natural resource or environmental-related violation revenue with respect to the previous fiscal year—

''(aa) shall be deposited in the general fund of the Treasury; and

''(bb) shall be available for the purposes of the transfer under clause (i).

''(2) SUPPLEMENT NOT SUPPLANT.—Amounts transferred to the Subaccount shall supplement, but not replace, existing funds available to the States from—

''(A) the funds distributed pursuant to the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.); and

''(B) the fund.

''(3) INNOVATION GRANTS.—

''(A) IN GENERAL.—The Secretary shall distribute 10 percent of funds apportioned from the Subaccount through a competitive grant program to State fish and wildlife departments, the District of Columbia fish and wildlife department, fish and wildlife departments of territories, or to regional associations of fish and wildlife departments (or any group composed of more than 1 such entity).

''(B) PURPOSE.—Such grants shall be provided for the purpose of catalyzing innovation of techniques, tools, strategies, or collaborative partnerships that accelerate, expand, or replicate effective and measurable recovery efforts for species of greatest conservation need and species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the habitats of such species.

''(C) REVIEW COMMITTEE.—The Secretary shall appoint a review committee comprised of—

''(i) a State Director from each regional association of State fish and wildlife departments;

''(ii) the head of a department responsible for fish and wildlife management in a territory;

''(iii) one delegate from the United States Fish and Wildlife Service, for the purpose of providing technical assistance; and

''(iv) beginning in fiscal year 2022, four individuals representing four different nonprofit organizations each of which is actively participating in carrying out wildlife conservation restoration activities using funds apportioned from the Subaccount.

''(D) SUPPORT FROM UNITED STATES FISH AND WILDLIFE SERVICE.—Using not more than 3 percent of the amounts apportioned under subparagraph (A) to carry out a competitive grant program, the United States Fish and Wildlife Service shall provide any personnel or administrative support services necessary for such Committee to carry out its responsibilities under this Act.

''(E) EVALUATION.—Such committee shall evaluate each proposal submitted under this paragraph and recommend projects for funding, giving preference to solutions that accelerate the recovery of species identified as priorities through regional scientific assessments of species of greatest conservation need.

''(4) USE OF FUNDS.—Funds apportioned from the Subaccount shall be used for purposes consistent with section 5002 of the Recovering America's Wildlife Act of 2022 and—

''(A) shall be used to implement the Wildlife Conservation Strategy of a State, territory, or the District of Columbia, as required under section 4(e), by carrying out, revising, or enhancing existing wildlife and habitat conservation and restoration programs and developing and implementing new wildlife conservation and restoration programs to recover and manage species of greatest conservation need and the key habitats and plant community types essential to the conservation of those species, as determined by the appropriate State fish and wildlife department;

''(B) shall be used to develop, revise, and enhance the Wildlife Conservation Strategy of a State, territory, or the District of Columbia, as may be required by this Act;

''(C) shall be used to assist in the recovery of species found in the State, territory, or the District of Columbia that are listed as endangered species, threatened species, candidate species or species proposed for listing, or species petitioned for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or under State law;

''(D) may be used for wildlife conservation education and wildlife-associated recreation projects, especially in historically underserved communities;

''(E) may be used to manage a species of greatest conservation need whose range is shared with another State, territory, Indian Tribe, or foreign government and for the conservation of the habitat of such species;

''(F) may be used to manage, control, and prevent invasive species, disease, and other risks to species of greatest conservation need; and

''(G) may be used for law enforcement activities that are directly related to the protection and conservation of a species of greatest conservation need and the habitat of such species.

''(5) MINIMUM REQUIRED SPENDING FOR ENDANGERED SPECIES RECOVERY.—Not less than an average of 15 percent over a 5-year period of amounts apportioned to a State, territory, or the District of Columbia from the Subaccount shall be used for purposes described in paragraph (4)(C). The Secretary may reduce the minimum requirement of a State, territory, or the District of Columbia on an annual basis if the Secretary determines that the State, territory, or the District of Columbia is meeting the conservation and recovery needs of all species described in paragraph (4)(C).

''(6) PUBLIC ACCESS TO PRIVATE LANDS NOT REQUIRED.—Funds apportioned from the Subaccount shall not be conditioned upon the provision of public access to private lands, waters, or holdings.

''(7) REQUIREMENTS FOR MATCHING FUNDS.—

''(A) For the purposes of the non-Federal fund matching requirement for a wildlife conservation or restoration program or project funded by the Subaccount, a State, territory, or the District of Columbia may use as matching non-Federal funds—

''(i) funds from Federal agencies other than the Department of the Interior and the Department of Agriculture;

''(ii) donated private lands and waters, including privately owned easements;

''(iii) in circumstances described in subparagraph (B), revenue generated through the sale of State hunting and fishing licenses; and

''(iv) other sources consistent with part 80 of title 50, Code of Federal Regulations, in effect on the date of enactment of the Recovering America's Wildlife Act of 2022.

''(B) Revenue described in subparagraph (A)(iii) may only be used to fulfill the requirements of such non-Federal fund matching requirement if—

''(i) no Federal funds apportioned to the State fish and wildlife department of such State from the Wildlife Restoration Program or the Sport Fish Restoration Program have been reverted because of a failure to fulfill such non-Federal fund matching requirement by such State during the previous 2 years; and

''(ii) the project or program being funded benefits the habitat of a hunted or fished species and a species of greatest conservation need.

''(8) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) PARTNERSHIPS.—The term 'partnerships' may include collaborative efforts with Federal agencies, State agencies, local agencies, Indian Tribes, nonprofit organizations, academic institutions, industry groups, and private individuals to implement a State's Wildlife Conservation Strategy.

''(B) SPECIES OF GREATEST CONSERVATION NEED.—The term 'species of greatest conservation need' may be fauna or flora, and may include terrestrial, aquatic, marine, and invertebrate species that are of low population, declining, rare, or facing threats and in need of conservation attention, as determined by each State fish and wildlife department, with respect to funds apportioned to such State.

''(C) TERRITORY AND TERRITORIES.—The terms 'territory' and 'territories' mean the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

''(D) WILDLIFE.—The term 'wildlife' means any species of wild, freeranging fauna, including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range.''.

(b) ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''to the District of Columbia and to the Commonwealth of Puerto Rico, each'' and inserting ''To the District of Columbia'';

(ii) in subparagraph (B)—

(I) by striking ''to Guam'' and inserting ''To Guam''; and

(II) by striking ''not more than one-fourth of one percent'' and inserting ''not less than one-third of one percent''; and

(iii) by adding at the end the following:

''(C) To the Commonwealth of Puerto Rico, a sum equal to not less than 1 percent thereof.'';

(B) in paragraph (2)(A)—

(i) by amending clause (i) to read as follows:

''(i) one-half of which is based on the ratio to which the land and water area of such State bears to the total land and water area of all such States;'';

(ii) in clause (ii)—

(I) by striking ''two-thirds'' and inserting ''one-quarter''; and

(II) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) one-quarter of which is based upon the ratio to which the number of species listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in such State bears to the total

number of such species listed in all such States.'';

(C) by amending paragraph (2)(B) to read as follows:

''(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State, unless otherwise designated, shall be apportioned a sum which is less than 1 percent or more than 5 percent of the amount available for apportionment under—

''(i) subparagraph (A)(i);

''(ii) subparagraph (A)(ii); and

''(iii) the overall amount available for subparagraph (A).''; and

(D) in paragraph (3), by striking ''3 percent'' and inserting ''1.85 percent'';

(2) in subsection (e)(4)—

(A) by amending subparagraph (B) to read as follows:

''(B) Not more than an average of 15 percent over a 5-year period of amounts apportioned to each State, territory, or the District of Columbia under this section for a wildlife conservation and restoration program may be used for wildlife conservation education and wildlife-associated recreation.''; and

(B) by inserting after subparagraph (B), as so amended, the following:

''(C) 5 percent of amounts apportioned to each State, each territory, or the District of Columbia under this section for a wildlife conservation and restoration program shall be reserved for States and territories that include plants among their species of greatest conservation need and in the conservation planning and habitat prioritization efforts of their Wildlife Conservation Strategy. Each eligible State, territory, or the District of Columbia shall receive an additional 5 percent of their apportioned amount. Any unallocated resources shall be allocated proportionally among all States and territories under the formulas of this section.''; and

(3) by adding at the end following:

''(f) MINIMIZATION OF PLANNING AND REPORTING.—Nothing in this Act shall be interpreted to require a State to create a comprehensive strategy related to conservation education or outdoor recreation.

''(g) ACCOUNTABILITY.—

''(1) IN GENERAL.—Not more than one year after the date of enactment of the Recovering America's Wildlife Act of 2022 and every 3 years thereafter, each State fish and wildlife department shall submit a 3-year work plan and budget for implementing its Wildlife Conservation Strategy and a report describing the results derived from activities accomplished under subsection (e) during the previous 3 years to the United States Fish and Wildlife Service for review, which shall summarize such findings and submit a report to—

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

''(B) the Committee on Natural Resources of the House of Representatives.

''(2) REQUIREMENTS.—The format of the 3-year work plans, budgets, and reports required under paragraph (1) shall be established by the United States Fish and Wildlife Service, in consultation with the Association of Fish and Wildlife Agencies.

''(3) GAO STUDY.—Not later than 7 years after the date of enactment of the Recovering America's Wildlife Act of 2022, the Comptroller General of the United States shall conduct a study to examine the progress of States, territories, the District of Columbia, and Indian Tribes towards achieving the purpose described in section 5002 of that Act.''.

SEC. 5102. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) in paragraph (7), by striking ''including fish,''; and

(2) in paragraph (9), by inserting ''Indian Tribes, academic institutions,'' before ''wildlife conservation organizations''.

(b) CONFORMING AMENDMENTS.—The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a et seq.) is amended—

(1) in section 3—

(A) in subsection (a)—

(i) by striking ''(1) An amount equal to'' and inserting ''An amount equal to''; and

(ii) by striking paragraph (2);

(B) in subsection (c)—

(i) in paragraph (9), as redesignated by section 5101(a)(1), by striking ''or an Indian tribe''; and

(ii) in paragraph (10), as redesignated by section 5101(a)(1), by striking ''Wildlife Conservation and Restoration Account'' and inserting ''Subaccount''; and

(C) in subsection (d), by striking ''Wildlife Conservation and Restoration Account'' and inserting ''Subaccount'';

(2) in section 4 (16 U.S.C. 669c)—

(A) in subsection (d)—

(i) in the heading, by striking ''ACCOUNT'' and inserting ''SUBACCOUNT''; and

(ii) by striking ''Account'' each place it appears and inserting ''Subaccount''; and

(B) in subsection (e)(1), by striking ''Account'' and inserting ''Subaccount''; and

(3) in section 8 (16 U.S.C. 669g), in subsection (a), by striking ''Account'' and inserting ''Subaccount''.

SEC. 5103. SAVINGS CLAUSE.

The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) is amended—

(1) by redesignating section 14 as section 16; and

(2) by inserting after section 13 the following:

''SEC. 14. SAVINGS CLAUSE.

''Nothing in this Act shall be construed to enlarge or diminish the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the law and regulations of the State on lands and waters within the State, including on Federal lands and waters.

''SEC. 15. STATUTORY CONSTRUCTION WITH RESPECT TO ALASKA.

''If any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), then the provision in the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act shall prevail.''.

TITLE LII—TRIBAL WILDLIFE CONSERVATION AND RESTORATION

SEC. 5201. INDIAN TRIBES.

(a) DEFINITIONS.—In this section:

(1) ACCOUNT.—The term ''Account'' means the Tribal Wildlife Conservation and Restoration Account established by subsection (b)(1).

(2) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

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

(4) TRIBAL SPECIES OF GREATEST CONSERVATION NEED.—The term ''Tribal species of greatest conservation need'' means any species identified by an Indian Tribe as requiring conservation management because of declining population, habitat loss, or other threats, or because of their biological or cultural importance to such Tribe.

(5) WILDLIFE.—The term ''wildlife'' means—

(A) any species of wild flora or fauna including fish and marine mammals;

(B) flora or fauna in a captive breeding, rehabilitation, and holding or quarantine program, the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range or to maintain a species for conservation purposes; and

(C) does not include game farm animals.

(b) TRIBAL WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

(1) IN GENERAL.—There is established in the Treasury an account to be known as the ''Tribal Wildlife Conservation and Restoration Account''.

(2) AVAILABILITY.—Amounts in the Account shall be available for each fiscal year without further appropriation for apportionment in accordance with this title.

(3) DEPOSITS INTO ACCOUNT.—

(A) IN GENERAL.—Beginning in fiscal year 2022, and for each fiscal year thereafter, the Secretary of the Treasury shall transfer $97,500,000 from the general fund of the Treasury to the Account.

(B) FUNDING SOURCE.—

(i) DEFINITION.—In this subparagraph, the term ''remaining natural resource or environmental-related violation revenue'' means the amount of all civil or criminal penalties, fines, sanctions, forfeitures, or other revenues resulting from natural resource or environmental-related violations or enforcement actions by any Federal agency that are not directed to be deposited in a fund other than the general fund of the Treasury or have otherwise been appropriated.

(ii) USE OF REVENUE.—Beginning in fiscal year 2022, and for each fiscal year thereafter, the total amount of the remaining natural resource or environmental-related violation revenue with respect to the previous fiscal year—

(I) shall be deposited in the general fund of the Treasury; and

(II) shall be available for the purposes of the transfer under subparagraph (A).

(c) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—Each fiscal year, the Secretary of the Treasury shall deposit funds into the Account and distribute such funds through a noncompetitive application process according to guidelines and criteria, and reporting requirements determined by the Secretary of the Interior, acting through the Director of the Bureau of Indian Affairs, in consultation with Indian Tribes. Such funds shall remain available until expended.

(d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—The distribution guidelines and criteria described in subsection (c) shall be based, in part, upon an Indian Tribe's wildlife management responsibilities. Any funding allocated to an Indian Tribe in Alaska may only be used in a manner consistent with the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.), and Public Law 85–508 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21). Alaska Native Corporations or Tribes may enter into cooperative agreements with the State of Alaska on conservation projects of mutual concern.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may distribute funds from the Account to an Indian Tribe for any of the following purposes:

(A) To develop, carry out, revise, or enhance wildlife conservation and restoration programs to manage Tribal species of greatest conservation need and the habitats of such species, as determined by the Indian Tribe.

(B) To assist in the recovery of species listed as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(C) For wildlife conservation education and wildlife-associated recreation projects.

(D) To manage a Tribal species of greatest conservation need and the habitat of such species, the range of which may be shared with a foreign country, State, or other Indian Tribe.

(E) To manage, control, and prevent invasive species as well as diseases and other risks to wildlife.

(F) For law enforcement activities that are directly related to the protection and conservation of wildlife.

(G) To develop, revise, and implement comprehensive wildlife conservation strategies and plans for such Tribe.

(H) For the hiring and training of wildlife conservation and restoration program staff.

(2) CONDITIONS ON THE USE OF FUNDS.—

(A) REQUIRED USE OF FUNDS.—In order to be eligible to receive funds under subsection (c), a Tribe's application must include a proposal to use funds for at least one of the purposes described in subparagraphs (A) and (B) of paragraph (1).

(B) IMPERILED SPECIES RECOVERY.—In distributing funds under this section, the Secretary shall distribute not less than 15 percent of the total funds distributed to proposals to fund the recovery of a species, subspecies, or distinct population segment listed as a threatened species, endangered species, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or Tribal law.

(C) LIMITATION.—In distributing funds under this section, the Secretary shall distribute not more than 15 percent of all funds distributed under this section for the purpose described in paragraph (1)(C).

(f) NO MATCHING FUNDS REQUIRED.—No Indian Tribe shall be required to provide matching funds to be eligible to receive funds under this title.

(g) PUBLIC ACCESS NOT REQUIRED.—Funds apportioned from the Tribal Wildlife Conservation and Restoration Account shall not be conditioned upon the provision of public or non-Tribal access to Tribal or private lands, waters, or holdings.

(h) ADMINISTRATIVE COSTS.—Of the funds deposited under subsection (b)(3) for each fiscal year, not more than 3 percent shall be used by the Secretary for administrative costs.

(i) SAVINGS CLAUSE.—Nothing in this title shall be construed as modifying or abrogating a treaty with any Indian Tribe, or as enlarging or diminishing the authority, jurisdiction, or responsibility of an Indian Tribe to manage, control, or regulate wildlife.

(j) STATUTORY CONSTRUCTION WITH RESPECT TO ALASKA.—If any conflict arises between any provision of this title and any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), then the provision in the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act shall prevail.

TITLE LIII—ENDANGERED SPECIES RECOVERY AND HABITAT CONSERVATION LEGACY FUND

SEC. 5301. ENDANGERED SPECIES RECOVERY AND HABITAT CONSERVATION LEGACY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Endangered Species Recovery and Habitat Conservation Legacy Fund'' (referred to in this section as the ''Fund'').

(b) FUNDING.—For each of fiscal years 2022 through 2025, the Secretary of the Treasury shall transfer from the general fund of the Treasury to the Fund $187,500,000.

(c) AVAILABILITY OF FUNDS.—Amounts in the Fund shall be available to the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the ''Secretary''), as provided in subsection (e), without further appropriation or fiscal year limitation.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary may request the Secretary of the Treasury to invest any portion of the Fund that is not, as determined by the Secretary, required to meet the current needs of the Fund.

(2) REQUIREMENT.—An investment requested under paragraph (1) shall be made by the Secretary of the Treasury in a public debt security—

(A) with a maturity suitable to the needs of the Fund, as determined by the Secretary; and

(B) bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(3) CREDITS TO FUND.—The income on investments of the Fund under this subsection shall be credited to, and form a part of, the Fund.

(e) USE OF FUNDS.—Amounts in the Fund shall be used for recovering the species managed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), in addition to amounts otherwise available for such purposes, as follows:

(1) ENDANGERED SPECIES RECOVERY GRANT PROGRAM.—$75,000,000 for each of fiscal years 2022 through 2025, to remain available until expended, shall be used to establish and implement a grant and technical assistance program, to be known as the ''Endangered Species Recovery Grant Program'', to provide competitive matching grants for the purpose of recovering species listed as a threatened species or an endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) by addressing the backlog in the development of recovery plans, and implementing the backlog of activities identified in existing recovery plans, under subsection (f) of that section (16 U.S.C. 1533(f)). The Secretary shall enter into an agreement with the National Fish and Wildlife Foundation to establish and cooperatively manage the Endangered Species Recovery Grant Program in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.).

(2) INTERAGENCY CONSULTATION RESPONSIBILITIES.—$75,000,000 for each of fiscal years 2022 through 2025, to remain available until expended, shall be used for the United States Fish and Wildlife Service to address interagency consultation responsibilities under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

(3) CONSERVATION ACTIVITIES.—$28,125,000 for each of fiscal years 2022 through 2025, to remain available until expended, shall be used for the United States Fish and Wildlife Service to work with non-Federal entities, including through, but not limited to, the Partners for Fish and Wildlife Program, the Coastal Program, and the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.)—

(A) to conserve at risk species, species that are candidates or proposed for listing, and species that are listed as threatened or endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), including through rescue and rehabilitation efforts; and

(B) to conserve wildlife habitat.

(4) VOLUNTARY CONSERVATION AGREEMENTS.—$9,375,000 for each of fiscal years 2022 through 2025, to remain available until expended, shall be used for the United States Fish and Wildlife Service to address the development and permitting of voluntary conservation agreements under section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539).

(f) SUPPLEMENT, NOT SUPPLANT.—Amounts made available under this section shall supplement and not supplant any other Federal amounts made available to carry out activities described in this section in an annual appropriations Act of Congress.

(g) SUBMISSION OF SPECIES LISTS TO CONGRESS.—

(1) PRIORITY LIST OF SPECIES.—Not later than 90 days after the date of enactment of this Act, the Secretary, shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Natural Resources and Appropriations of the House of Representatives a list of threatened species and endangered species for which recovery plans described in subsection (e)(1) will be developed or implemented for fiscal year 2023.

(2) ANNUAL LIST OF SPECIES.—Until the date on which all of the amounts in the Fund are expended, the President shall annually submit to Congress, together with the annual budget of the United States, a list of threatened species and endangered species for which recovery plans described in subsection (e)(1) will be developed or implemented with amounts from the Fund.

(h) PUBLIC DONATIONS.—

(1) IN GENERAL.—The Secretary may accept public cash donations that advance efforts—

(A) to address the backlog in the development and implementation of recovery plans; and

(B) to encourage relevant public-private partnerships.

(2) CREDITS TO FUND.—Any cash donations accepted under paragraph (1) shall be credited to, and form a part of, the Fund.

(3) REJECTION OF DONATIONS.—The Secretary may reject a donation under this section when the rejection is in the interest of the Federal Government, as determined by the Secretary.

(i) ALLOCATION AUTHORITY.—

(1) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed allocations by program element of the amount recommended for allocation in a fiscal year from amounts made available under subsection (c), consistent with the use of funds under subsection (e), as follows:

(A) For fiscal year 2023, not later than 90 days after the date of enactment of this Act.

(B) For each fiscal year thereafter, until the date on which all of the amounts in the Fund are allocated, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code.

(2) ALTERNATE ALLOCATION.—

(A) IN GENERAL.—The Committees on Appropriations of the Senate and House of Representatives may provide for alternate allocation of amounts recommended for allocation in a given fiscal year from amounts made available under subsection (c), consistent with the use of funds under subsection (e), including allocations by program element.

(B) ALLOCATION BY PRESIDENT.—

(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations, including by program, by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, only then shall amounts recommended for allocation for that fiscal year from amounts made available under subsection (c), consistent with the use of

funds under subsection (e), be allocated by the President or apportioned or allotted by program pursuant to title 31, United States Code.

(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations, including by program, for amounts recommended for allocation in a given fiscal year from amounts made available under subsection (c), consistent with the use of funds under subsection (e), that are less than the full amount recommended for allocation for that fiscal year, the difference between the amount recommended for allocation and the alternate allocation shall be allocated by the President and apportioned and allotted by program pursuant to title 31, United States Code.

(j) PROHIBITIONS.—No amounts from the Fund shall be used—

(1) to make any listing determination relating to the endangered or threatened status of any species pursuant to section 4(a) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a));

(2) on any experimental population (as defined in paragraph (1) of section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j))) of a threatened or endangered species that is determined to be nonessential under that section;

(3) outside of the United States (as defined in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532)); and

(4) to acquire any Federal land.

SA 6228. 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, insert the following:

SEC. _____. INCREASE OF DEATH GRATUITIES AND FUNERAL ALLOWANCES FOR FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This section may be cited as the ''Honoring Civil Servants Killed in the Line of Duty Act''.

(b) INCREASING DEATH GRATUITY FOR FEDERAL EMPLOYEES KILLED IN THE LINE OF DUTY.—

(1) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—

(A) IN GENERAL.—Subchapter VII of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5571. Employee death gratuity payments

''(a) DEFINITION.—

''(1) IN GENERAL.—Notwithstanding section 5561(2), in this section, the term 'employee' means an individual who has been determined by the Secretary of Labor to be an employee within the meaning of section 8101(1), but does not include any individual described in subparagraph (D) of section 8101(1).

''(2) EXCLUSIVE AUTHORITY.—A determination described in paragraph (1) may be made only by the Secretary of Labor.

''(b) GRATUITY.—

''(1) IN GENERAL.—With respect to the death of an employee occurring on or after the date of enactment of this section, notwithstanding section 8116, and in addition to any payment made under subchapter I of chapter 81, the head of the agency employing the employee shall pay from appropriations made available for salaries and expenses of that agency a death gratuity to the person identified under subsection (c)(2), if the death of the employee—

''(A) results from injury sustained while in the line of duty of the employee; and

''(B) is not—

''(i) caused by willful misconduct of the employee;

''(ii) caused by the intention of the employee to bring about the injury or death of the employee or another; or

''(iii) proximately caused by the intoxication of the injured employee.

''(2) AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of a death gratuity paid under paragraph (1) with respect to an employee shall be $100,000, as adjusted each March 1 by the amount determined by the Secretary of Labor to represent the percentage change in the Consumer Price Index for All Urban Consumers (all items; United States city average) published for December of the preceding year over that Index published for the December of the year prior to the preceding year, adjusted to the nearest ⅒ of 1 percent.

''(B) LOCAL COMPENSATION PLANS.—For an employee compensated under a local compensation plan established under section 408 of the Foreign Service Act of 1980 (22 U.S.C. 3968), the amount of a death gratuity paid under paragraph (1) with respect to the employee shall be in an amount determined in rules issued by the Secretary of State.

''(c) RECIPIENT OF PAYMENT.—

''(1) DEFINITION.—In this subsection, the term 'child'—

''(A) includes—

''(i) a natural child; and

''(ii) an adopted child; and

''(B) does not include a stepchild.

''(2) ORDER OF PRECEDENCE.—A death gratuity paid under subsection (b) with respect to an employee shall be paid in the following order of precedence:

''(A)(i) To the beneficiary designated to receive the gratuity by the employee in a signed and witnessed writing that is received by the agency employing the employee before the date of the death of the employee.

''(ii) A designation, change, or cancellation of beneficiary in a will, or another document not described in clause (i), shall have no force or effect for the purposes of that clause.

''(B) If there is no beneficiary described in subparagraph (A), to the surviving spouse of the employee.

''(C) If neither subparagraph (A) nor (B) applies, to the children of the employee (including the descendant of any deceased child by representation) such that each such child receives an equal amount of the gratuity.

''(D) If none of subparagraph (A), (B), or (C) applies, to the surviving parents of the employee such that each such surviving parent receives an equal amount of the gratuity.

''(E) If none of subparagraphs (A) through (D) applies, to the duly appointed executor or administrator of the estate of the employee.

''(F) If none of subparagraphs (A) through (E) applies, to the person entitled, under the laws of the State in which the employee is domiciled, as of the date on which the employee dies, to receive the payment.''.

(B) REPEAL OF DEATH GRATUITY PAYMENT AUTHORITY.—Section 651 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. 8133 note) is repealed.

(C) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) SUBCHAPTER HEADING.—The heading for subchapter VII of chapter 55 of title 5, United States Code, is amended by striking **''EMPLOYEES''** and inserting **''PERSONS AND PAYMENTS FOR DISABILITY OR DEATH''**.

(ii) OTHER CONFORMING CHANGES.—The table of sections for chapter 55 of title 5, United States Code, is amended—

(I) by striking the item relating to subchapter VII and inserting the following:

''SUBCHAPTER VII—PAYMENTS TO MISSING PERSONS AND PAYMENTS FOR DISABILITY OR DEATH''; AND

(II) by inserting after the item relating to section 5570 the following:

''5571. Employee death gratuity payments.''.

(2) AMENDMENT TO TITLE 49.—Section 40122(g)(2) of title 49, United States Code, is amended—

(A) in subparagraph (I)(iii), by striking ''and'' after the semicolon;

(B) in subparagraph (J), by striking the period at the end and inserting ''; and''; and

(C) by inserting after subparagraph (J), the following:

''(K) section 5571, relating to death gratuities resulting from an injury sustained in the line of duty.''.

(c) FUNERAL EXPENSES.—

(1) IN GENERAL.—Section 8134(a) of title 5, United States Code, is amended—

(A) by inserting ''(1)'' after ''(a)'';

(B) by striking ''$800'' and inserting ''$8,800''; and

(C) by adding at the end the following:

''(2) The amount described in paragraph (1) shall be adjusted on March 1 of each year by the percentage amount determined by the Secretary of Labor under section 8146a for that year.''.

(2) APPLICABILITY.—The amendment made by paragraph (1)(B) shall apply with respect to any death occurring on or after the date of enactment of this Act.

(d) DEATH GRATUITY FOR INJURIES INCURRED IN CONNECTION WITH EMPLOYEE'S SERVICE WITH AN ARMED FORCE.—Section 8102a of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''The United States'' and inserting the following:

''(1) IN GENERAL.—The United States'';

(B) in paragraph (1), as so designated, by striking ''up to''; and

(C) by adding at the end the following:

''(2) ADJUSTMENT.—The amount described in paragraph (1) shall be adjusted each March 1 by the amount determined by the Secretary of Labor to represent the percentage change in the Consumer Price Index for All Urban Consumers (all items; United States city average) published for December of the preceding year over that Index published for the December of the year prior to the preceding year, adjusted to the nearest ⅒ of 1 percent.'';

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

''(c) RELATIONSHIP TO OTHER BENEFITS.—With respect to a death occurring on or after the date of enactment of the Honoring Civil Servants Killed in the Line of Duty Act, the death gratuity payable under this section may not be reduced by the amount of any other death gratuity provided under any other provision of Federal law based on the same death.''; and

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

''(7) If a person covered by this section does not have any eligible survivors, as described in this subsection, and that person has not designated an alternate person to receive a payment under this section, the payment shall be paid to the personal representative of the person's estate.''.

(e) AGENCY GRATUITY FOR DEATHS SUSTAINED IN THE LINE OF DUTY ABROAD.—Section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''dependents'' and inserting ''beneficiaries''; and

(B) in the second sentence, by inserting '', except as provided in subsection (e)'' after ''payable from any source'';

(2) by amending subsection (b) to read as follows:

''(b) EXECUTIVE AGENCIES.—The head of an executive agency shall, pursuant to guidance issued under subsection (c), make a death gratuity payment authorized by this section to the surviving beneficiaries of—

''(1) any employee of that agency who dies as a result of injuries sustained in the performance of duty abroad while subject to the authority of the chief of mission pursuant to section 207; or

''(2) an individual in a special category serving in an uncompensated capacity for that agency abroad in support of a diplomatic mission, as identified in guidance issued under subsection (c), who dies as a result of injuries sustained in the performance of duty abroad.'';

(3) by striking subsection (d);

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

''(d) ELIGIBILITY UNDER CHAPTER 81 OF TITLE 5, UNITED STATES CODE.—A death gratuity payment shall be made under this section only if the death is determined by the Secretary of Labor to have resulted from an injury (excluding a disease proximately caused by the employment) sustained in the performance of duty under section 8102 of title 5, United States Code.'';

(5) by redesignating subsection (e) as subsection (f);

(6) by inserting after subsection (d), as added by paragraph (4), the following:

''(e) OFFSET.—For deaths occurring on or after the date of enactment of the Honoring Civil Servants Killed in the Line of Duty Act, the death gratuity payable under this section shall be reduced by the amount of any death gratuity provided under section 5571 of title 5, United States Code, based on the same death.''; and

(7) in subsection (f), as so redesignated by paragraph (5), by amending paragraph (2) to read as follows:

''(2) the term 'surviving beneficiaries' means the person or persons identified pursuant to the order of precedence established under section 5571(c)(2) of title 5, United States Code.''.

(f) EMERGENCY SUPPLEMENTAL AUTHORIZATION.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' means an agency that is authorized or required to make a payment under a covered provision; and

(B) the term ''covered provision'' means—

(i) section 5571 of title 5, United States Code, as added by subsection (b);

(ii) section 8102a of title 5, United States Code, as amended by subsection (d); or

(iii) section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973), as amended by subsection (e).

(2) AUTHORIZATION.—If the head of an agency determines, with the concurrence of the Director of the Office of Management and Budget, that a natural disaster, act of terrorism, or other incident results in the inability of the agency to make additional payments under a covered provision—

(A) there are authorized to be appropriated to the agency such sums as may be necessary to make those additional payments; and

(B) the head of the agency may make those additional payments only to the extent additional amounts are made available for those purposes.

(3) SENSE OF CONGRESS.—It is the sense of Congress that, not later than 30 days after the date on which the head of an agency submits to Congress a request for supplemental appropriations for the purposes described in paragraph (2), Congress should take action with respect to that request.

SA 6229. Ms. SINEMA (for herself, Mr. BLUNT, Mr. CRAMER, Mr. KELLY, Mr. KING, Mr. OSSOFF, Mr. PADILLA, Ms. ROSEN, 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 end of subtitle F of title V, add the following:

SEC. 575. NON-MEDICAL COUNSELING SERVICES FOR MILITARY FAMILIES.

(a) NON-MEDICAL COUNSELING SERVICES.—Notwithstanding any other provision of law, a mental health professional described in subsection (b) may provide non-medical counseling services to military families at any location in a State, the District of Columbia, or a territory or possession of the United States, without regard to where the provider or recipient of such services is located, if the provision of such services is within the scope of the authorized Federal duties of the provider.

(b) COVERED MENTAL HEALTH PROFESSIONALS.—A mental health professional described in this subsection is a person who is—

(1) a currently licensed or certified mental health care provider who holds an unrestricted license or certification that is—

(A) issued by a State, the District of Columbia, or a territory or possession of the United States; and

(B) recognized by the Secretary of Defense;

(2) a member of the uniformed services, a civilian employee of the Department of Defense, or a contractor designated by the Secretary; and

(3) performing authorized duties for the Department of Defense under a program or activity referred to in subsection (a).

(c) NON-MEDICAL COUNSELING SERVICES DEFINED.—In this section, the term ''non-medical counseling services'' means services that are non-clinical, short-term, and solution-focused, and address topics related to personal growth, development, and positive functioning.

SA 6230. Mr. SCHATZ (for himself and 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. INDO-PACIFIC ENGAGEMENT.

(a) SHORT TITLE.—This section may be cited as the ''Indo-Pacific Engagement Act''.

(b) DEFINITIONS.—In this section:

(1) CONGRESSIONAL FOREIGN AFFAIRS COMMITTEES.—The term ''congressional foreign affairs committees'' means—

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

(B) the Subcommittee on State, Foreign Operations, and Related Programs of the Committee on Appropriations of the Senate;

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

(D) the Subcommittee on State, Foreign Operations, Related Programs of the Committee on Appropriations of the House of Representatives.

(2) INDO-PACIFIC REGION.—The term ''Indo-Pacific region'' means—

(A) the countries under the jurisdiction of the Bureau of East Asian and Pacific Affairs of the Department of State; and

(B) the countries of Bangladesh, Bhutan, India, Maldives, Nepal, and Sri Lanka.

(3) PRINCIPALS.—The term ''principals'' means—

(A) the Assistant Secretary of State for East Asian and Pacific Affairs;

(B) the Assistant Secretary of State for South and Central Asian Affairs; and

(C) the Assistant Administrator for Asia of the United States Agency for International Development.

(c) REPORT.—

(1) IN GENERAL.—Each time the President submits a budget to Congress pursuant to section 1105 of title 31, United States Code, for each of the fiscal years 2024 through 2028, the Assistant Secretary of State for East Asian and Pacific Affairs, in coordination with the Assistant Secretary of State for South and Central Asian Affairs and the Assistant Administrator for Asia of the United States Agency for International Development, shall submit a report to the congressional foreign affairs committees that assesses the resources and activities required to achieve the policy objectives described in paragraph (3).

(2) CRITERIA.—The report required under paragraph (1)—

(A) shall reflect the objective, autonomous, and independent assessment of the activities, resources, and costs required to achieve policy objectives described in paragraph (3) by the principals, the subordinate and parallel offices providing input into the assessment, with the Assistant Secretary of State for East Asian and Pacific Affairs serving as the final decision-making authority on the contents of the report;

(B) shall cover a period of 5 fiscal years, beginning with the fiscal year following the fiscal year during which the report is submitted;

(C) shall incorporate input from United States Ambassadors in the Indo-Pacific region provided explicitly for the required report;

(D) may include information gathered through consultation with program offices and subject matter experts in relevant functional bureaus, as deemed necessary by the principals; and

(E) shall not be subject to fiscal guidance or global strategic tradeoffs associated with the annual President's budget request.

(3) POLICY OBJECTIVES.—The report required under paragraph (1) shall assess the activities and resources required—

(A) to implement the Interim National Security Strategic Guidance, or the most recent National Security Strategy, with respect to the Indo-Pacific region;

(B) to implement the 2022 Indo-Pacific Strategy of the United States, or successor documents, that set forth the United States Government's strategy toward the Indo-Pacific region;

(C) to implement the State-USAID Joint Strategic Plan with respect to the Indo-Pacific region;

(D) to enhance meaningful diplomatic and economic relations with allies and partners in the Indo-Pacific and demonstrate an enduring United States commitment to the Indo-Pacific region; and

(E) to secure and advance United States national interests in the Indo-Pacific region, including through countering the malign influence of the Government of the People's Republic of China.

(4) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) a description of the bilateral and multilateral goals of the Bureau of East Asian and Pacific Affairs and the Bureau of South and Central Asian Affairs for the period covered in the report that the principals deem necessary to accomplish the policy objectives described in paragraph (3), disaggregated by country and forum;

(B) a timeline with annual benchmarks for achieving the policy objectives described in paragraph (3);

(C) an assessment of the sufficiency of United States diplomatic personnel and facilities currently available in the Indo-Pacific region to achieve the policy objectives described in paragraph (3), through consultation with United States embassies in the region, including—

(i) a list, in priority order, of locations in the Indo-Pacific region that require additional diplomatic personnel or facilities;

(ii) a description of locations where the United States may be able to collocate diplomatic personnel at allied or partner embassies and consulates;

(iii) a discussion of embassies or consulates where diplomatic staff could be reduced within the Indo-Pacific region, as appropriate; and

(iv) a detailed description of the fiscal and personnel resources required to fill gaps identified;

(D) a detailed plan to expand United States diplomatic engagement and foreign assistance presence in the Pacific Island nations during the succeeding 5-year period, including a description of ''quick impact'' programs that can be developed and implemented within the first fiscal year of the period covered in the report;

(E) a discussion of the resources needed to enhance United States strategic messaging and spotlight coercive behavior by the People's Republic of China;

(F) a detailed description of the resources and policy tools needed to expand the United States' ability to offer high-quality infrastructure projects in strategically significant parts of the Indo-Pacific region, with a particular focus on expanding investments in Southeast Asia and the Pacific Islands;

(G) a gap assessment of security assistance by country, and of the resources needed to fill those gaps;

(H) a description of the resources and policy tools needed to facilitate continued private sector investment in partner countries in the Indo-Pacific region; and

(I) a discussion of any additional bilateral or regional assistance resources that the principals determine are necessary to achieve the policy objectives described in paragraph (3).

(5) FORM.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

(6) DISTRIBUTION.—Not later than February 1 each year, the Assistant Secretary of State for East Asian and Pacific Affairs shall make the report required under paragraph (1) available to—

(A) the Secretary of State;

(B) the Administrator of the United States Agency for International Development (USAID);

(C) the Deputy Secretary of State;

(D) the Deputy Secretary of State for Management and Resources;

(E) the Deputy Administrator for Policy and Programming at USAID;

(F) the Deputy Administrator for Management and Resources at USAID;

(G) the Under Secretary of State for Political Affairs;

(H) the Director of Foreign Assistance at the Department of State;

(I) the Director of the Office of Foreign Assistance at USAID; and

(J) the Director of Policy Planning at the Department of State.

SA 6231. Mr. SCHATZ (for himself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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 AUTHORITY TO BUILD CAPACITY OF FOREIGN SECURITY FORCES.

Subsection (a) of section 333 of title 10, United States Code, is amended—

(1) in paragraph (3), by inserting ''or other counter-illicit trafficking operations'' before the period at the end; and

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

''(10) Operations or activities that maintain or enhance the climate resilience of military or security forces or infrastructure or disaster relief activities supporting security cooperation programs under this section.''.

SA 6232. Mr. SCHATZ (for himself, Mr. YOUNG, 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 end of title V, insert the following:

Subtitle H—Restoring Honor to Service Members

SEC. 591. SHORT TITLE.

This subtitle may be cited as the ''Restore Honor to Service Members Act of 2022''.

SEC. 592. TIGER TEAM FOR OUTREACH TO FORMER MEMBERS.

(a) ESTABLISHMENT OF TIGER TEAM.—

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

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

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

(b) DUTIES.—

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

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

(A) The Secretary of Veterans Affairs.

(B) The Archivist of the United States.

(C) Representatives of veterans service organizations.

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

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

(A) A plan setting forth the following:

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

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

(I) obtaining contact information on such individuals; and

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

(B) A description of the manner in which the work described in clauses (i) and (ii) of

subparagraph (A) will be carried out, including an allocation of the work among the Tiger Team and the external stakeholders.

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

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

(4) IMPLEMENTATION OF PLAN.—

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

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

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

(A) The number of individuals discharged under former section 654 or a similar policy prior to the enactment of former section 654.

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

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

(D) The number of individuals described in subparagraph (A) who availed themselves of a review of discharge characterization through the process established pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020.

(E) The number of individuals described in subparagraph (D) whose review of discharge characterization resulted in a change of characterization to honorable discharge.

(F) The total number of individuals described in subparagraph (A), including individuals also covered by subparagraph (E), whose review of discharge characterization since September 20, 2011, resulted in a change of characterization to honorable discharge.

(6) TERMINATION.—On the date that is 60 days after the date on which the final report required by paragraph (5) is submitted, the Secretary shall terminate the Tiger Team.

(c) ADDITIONAL REPORTS.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020.

(2) REPORTS.—Not later than 270 days after the date of the enactment of this Act, and each year thereafter for a four-year period, the Secretary of Defense shall submit to Congress a report on the reviews under paragraph (1). Such reports shall include any comments or recommendations for continued actions.

(d) FORMER SECTION 654 DEFINED.—In this section, the term ''former section 654'' means section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to Public Law 111–321 (10 U.S.C. 654 note).

SEC. 593. RELIEF FOR IMPACTED FORMER MEMBERS.

(a) REVIEW OF DISCHARGE.—

(1) IN GENERAL.—The Secretary of Defense shall review and update existing guidance to ensure that the appropriate discharge board for the military departments concerned shall review a discharge characterization of the covered member as required under section 527 of the National Defense Authorization Act for Fiscal Year 2020 at the request of a covered member, or their representative, notwithstanding any requirements to provide documentation necessary to initiate a review of a discharge characterization.

(2) EXCEPTION.—The appropriate discharge board for the military departments concerned shall not be required to initiate a request for a review of a discharge as described in paragraph (1) if there is evidence available to the discharge board that is unrelated to the material request of the covered member or the representative of the covered member but that would have reasonably substantiated the discharge decision of the military department.

(b) VETERANS BENEFITS.—

(1) EFFECTIVE DATE OF CHANGE OF CHARACTERIZATION FOR VETERANS BENEFITS.—For purposes of the provision of benefits to which veterans are entitled under the laws administered by the Secretary of Veterans Affairs to a covered member whose discharge characterization is changed pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1552 note), the date of discharge of the member from the Armed Forces shall be deemed to be the effective date of the change of discharge characterization under that section.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize any benefit to a covered member in connection with the change of discharge characterization of the member under section 527 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1552 note) for any period before the effective date of the change of discharge characterization.

SA 6233. 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 end of title XII, add the following:

Subtitle G—Oceania

SEC. 1281. DEFINITION OF OCEANIA.

In this subtitle, except as provided in section 1286, the term ''Oceania'' includes the following:

(1) Easter Island of Chile.
(2) Fiji.
(3) French Polynesia of France.
(4) Kiribati.
(5) Nauru.
(6) New Caledonia of France.
(7) Nieu of New Zealand.
(8) Papua New Guinea.
(9) Samoa.
(10) Vanuatu.
(11) The Ashmore and Cartier Islands of Australia.
(12) The Cook Islands of New Zealand.
(13) The Coral Islands of Australia.
(14) The Federated States of Micronesia.
(15) The Norfolk Island of Australia.
(16) The Pitcairn Islands of the United Kingdom.
(17) The Republic of the Marshall Islands.
(18) The Republic of Palau.
(19) The Solomon Islands.
(20) Tokelau of New Zealand.
(21) Tonga.
(22) Tuvalu.
(23) Wallis and Futuna of France.

SEC. 1282. OCEANIA STRATEGIC ROADMAP.

(a) OCEANIA STRATEGIC ROADMAP.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a strategic roadmap for strengthening United States engagement with the countries of Oceania, including an analysis of opportunities to cooperate with Australia, New Zealand, and Japan, to address shared concerns and promote shared goals in pursuit of security and resiliency in the countries of Oceania.

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

(1) A description of United States regional goals and concerns with respect to Oceania and increasing engagement with the countries of Oceania.

(2) An assessment, based on paragraph (1), of United States regional goals and concerns that are shared by Australia, New Zealand, and Japan, including a review of issues related to anticorruption, maritime and other security issues, environmental protection, fisheries management, economic growth and development, and disaster resilience and preparedness.

(3) A review of ongoing programs and initiatives by the governments of the United States, Australia, New Zealand, and Japan in pursuit of those shared regional goals and concerns, including with respect to the issues described in paragraph (1).

(4) A review of ongoing programs and initiatives by regional organizations and other related intergovernmental structures aimed at addressing the issues described in paragraph (1).

(5) A plan for aligning United States programs and resources in pursuit of those shared regional goals and concerns, as appropriate.

(6) Recommendations for additional United States authorities, personnel, programs, or resources necessary to execute the strategic roadmap.

(7) Any other elements the Secretary considers appropriate.

SEC. 1283. REVIEW OF USAID PROGRAMMING IN OCEANIA.

(a) IN GENERAL.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development (in this section referred to as ''USAID''), should include the Indo-Pacific countries of Oceania in existing strategic planning and multi-sector program evaluation processes, including the Department of State's Integrated Country Strategies and USAID's Country Development Cooperation Strategies, the Joint Strategic Plan, and the Journey to Self-Reliance Country Roadmaps.

(b) PROGRAMMATIC CONSIDERATIONS.—Evaluations and considerations for Indo-Pacific countries of Oceania in the program planning and strategic development processes under subsection (a) should include—

(1) descriptions of the diplomatic and development challenges of the Indo-Pacific countries of Oceania as those challenges relate to the strategic, economic, and humanitarian interests of the United States;

(2) reviews of existing Department of State and USAID programs to address the diplomatic and development challenges of those countries evaluated under paragraph (1);

(3) descriptions of the barriers, if any, to increasing Department of State and USAID programming to Indo-Pacific countries of Oceania, including—

(A) the relative income level of the Indo-Pacific countries of Oceania relative to other regions where there is high demand for United States foreign assistance to support development needs;

(B) the relative capacity of the Indo-Pacific countries of Oceania to absorb United States foreign assistance for diplomatic and development needs through partner governments and civil society institutions; and

(C) any other factor that the Secretary or Administrator determines may constitute a barrier to deploying or increasing United States foreign assistance to the Indo-Pacific countries of Oceania;

(4) assessments of the presence of, degree of international development by, partner country indebtedness to, and political influence of malign foreign governments, such as the Government of the People's Republic of China, and non-state actors;

(5) assessments of new foreign economic assistance modalities that could assist in strengthening United States foreign assistance in the Indo-Pacific countries of Oceania, including the deployment of technical assistance and asset recovery tools to partner governments and civil society institutions to help develop the capacity and expertise necessary to achieve self-sufficiency;

(6) an evaluation of the existing budget and resource management processes for the Department of State's and USAID's mission and work with respect to its programming in the Indo-Pacific countries of Oceania;

(7) an explanation of how the Secretary and the Administrator will use existing programming processes, including those with respect to development of an Integrated Country Strategy, Country Development Cooperation Strategy, the Joint Strategic Plan, and the Journey to Self-Reliance Country Roadmaps, to advance the long-term growth, governance, economic development, and resilience of the Indo-Pacific countries of Oceania; and

(8) any recommendations about appropriate budgetary, resource management, and programmatic changes necessary to assist in strengthening United States foreign assistance programming in the Indo-Pacific countries of Oceania.

SEC. 1284. OCEANIA SECURITY DIALOGUE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall brief the appropriate committees of Congress on the feasibility and advisability of establishing a United States-based public-private sponsored security dialogue (to be known as the ''Oceania Security Dialogue'') among the countries of Oceania for the purposes of jointly exploring and discussing issues affecting the economic, diplomatic, and national security of the Indo-Pacific countries of Oceania.

(b) REPORT REQUIRED.—The briefing required by subsection (a) shall, at a minimum, include the following:

(1) A review of the ability of the Department of State to participate in a public-private sponsored security dialogue.

(2) An assessment of the potential locations for conducting an Oceania Security Dialogue in the jurisdiction of the United States.

(3) Consideration of dates for conducting an Oceania Security Dialogue that would maximize participation of representatives from the Indo-Pacific countries of Oceania.

(4) A review of the funding modalities available to the Department of State to help finance an Oceania Security Dialogue, including grant-making authorities available to the Department of State.

(5) An assessment of any administrative, statutory, or other legal limitations that would prevent the establishment of an Oceania Security Dialogue with participation and support of the Department of State as described in subsection (a).

(6) An analysis of how an Oceania Security Dialogue could help to advance the Boe Declaration on Regional Security, including its emphasis on the changing environment as the greatest existential threat to countries of Oceania.

(7) An evaluation of how an Oceania Security Dialogue could help amplify the issues and work of existing regional structures and organizations dedicated to the security of the Oceania region, such as the Pacific Island Forum and the Pacific Environmental Security Forum.

(8) An analysis of how an Oceania Security Dialogue would help with implementation of the strategic roadmap required by section 1282 and advance the National Security Strategy of the United States.

(c) INTERAGENCY CONSULTATION.—To the extent practicable, the Secretary of State may consult with the Secretary of Defense and, where appropriate, evaluate the lessons learned of the Regional Centers for Security Studies of the Department of Defense to determine the feasibility and advisability of establishing the Oceania Security Dialogue.

(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 Foreign Affairs of the House of Representatives; and

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

SEC. 1285. REPORT ON COUNTERING ILLEGAL, UNREPORTED, AND UNREGULATED FISHING IN OCEANIA.

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

(1) many countries of the Oceania region depend on commercial tuna fisheries as a critical component of their economies;

(2) the Government of the People's Republic of China has used its licensed fishing fleet to exert greater influence in Oceania, but at the same time, its licensed fishing fleet is also a major contributor to illegal, unreported, and unregulated fishing (in this section referred to as ''IUU fishing'') activities;

(3) the sustainability of Oceania's fisheries is threatened by IUU fishing, which depletes both commercially important fish stocks and non-targeted species that help maintain the integrity of the ocean ecosystem;

(4) in addition, IUU fishing puts pressure on protected species of marine mammals, sea turtles, and sea birds, which also jeopardizes the integrity of the ocean ecosystem;

(5) further, because IUU fishing goes unrecorded, the loss of biomass compromises scientists' work to assess and model fishery stocks and advise managers on sustainable catch levels;

(6) beyond the damage to living marine resources, IUU fishing also contributes directly to illegal activity in the Oceania region, such as food fraud, smuggling, and human trafficking;

(7) current approaches to IUU fishing enforcement rely on established methods, such as vessel monitoring systems, logbooks maintained by government fisheries enforcement authorities to record the catches landed by fishing vessels, and corroborating data on catches hand-collected by human observer programs;

(8) such established methods are imperfect because—

(A) vessels can turn off monitoring systems and unlicensed vessels do not use them; and

(B) observer coverage is thin and subject to human error and corruption;

(9) maritime domain awareness technology solutions for vessel monitoring have gained credibility in recent years and include systems such as observing instruments deployed on satellites, crewed and uncrewed air and surface systems, aircraft, and surface vessels, as well as electronic monitoring systems on fishing vessels;

(10) maritime domain awareness technologies hold the promise of significantly augmenting the current IUU fishing enforcement capacities; and

(11) maritime domain awareness technologies offer an avenue for addressing key United States national interests, including those interests related to—

(A) increasing bilateral diplomatic ties with key allies and partners in the Oceania region;

(B) countering illicit trafficking in arms, narcotics, and human beings associated with IUU fishing;

(C) advancing security, long-term growth, and development in the Oceania region;

(D) supporting ocean conservation objectives;

(E) reducing food insecurity; and

(F) countering attempts by the Government of the People's Republic of China to grow its influence in the Oceania region.

(b) REPORT 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 Administrator of the National Oceanic and Atmospheric Administration, the Commandant of the Coast Guard, and the Secretary of Defense, shall submit to the appropriate congressional committees a report assessing the use of advanced maritime domain awareness technology systems to combat IUU fishing in Oceania.

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

(A) a review of the effectiveness of existing monitoring technologies, including electronic monitoring systems, to combat IUU fishing;

(B) recommendations for effectively integrating effective monitoring technologies into an Oceania-wide strategy for IUU fishing enforcement;

(C) an assessment and recommendations for the secure and reliable processing of data from such monitoring technologies, including the security and verification issues;

(D) the technical and financial capacity of countries of the Oceania region to deploy and maintain large-scale use of maritime domain awareness technological systems for the purposes of combating IUU fishing and supporting fisheries resource management;

(E) a review of the technical and financial capacity of regional organizations and international structures to support countries of the Oceania region in the deployment and maintenance of large-scale use of maritime domain awareness technology systems for the purposes of combating IUU fishing and supporting fisheries resource management;

(F) an evaluation of the utility of using foreign assistance, security assistance, and development assistance provided by the United States to countries of the Oceania region to support the large-scale deployment and operations of maritime domain awareness systems to increase maritime security across the region; and

(G) an assessment of the role of large-scale deployment and operations of maritime domain awareness systems throughout Oceania to supporting United States economic and national security interests in the Oceania region, including efforts related to countering IUU fishing, improving maritime security, and countering malign foreign influence.

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

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

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

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

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

SEC. 1286. 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 Oceania, with the goals of—

(1) expanding the presence of the Peace Corps to all currently feasible locations in Oceania; and

(2) working with regional and international partners of the United States to expand the presence of Peace Corps volunteers in low-income Oceania communities 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 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 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 Oceania; and

(C) to increase transportation infrastructure in the 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 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 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 Oceania communities 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 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 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 Oceania confront as a result of poor or nonexistent infrastructure.

(d) OCEANIA DEFINED.—In this section, the term ''Oceania'' includes the following:

(1) Fiji.
(2) Kiribati.
(3) The Republic of the Marshall Islands.
(4) The Federated States of Micronesia.
(5) Nauru.
(6) Palau.
(7) Papua New Guinea.
(8) Samoa.
(9) The Solomon Islands.
(10) Tonga.
(11) Tuvalu.
(12) Vanuatu.

SA 6234. Ms. STABENOW (for herself and 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 G of title X, add the following:

SEC. 1077. NATIONAL HERITAGE AREA SYSTEM.

(a) DEFINITIONS.—In this section:

(1) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means a component of the National Heritage Area System described in subsection (b)(2)(A).

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

(b) NATIONAL HERITAGE AREA SYSTEM.—

(1) IN GENERAL.—To recognize certain areas of the United States that tell nationally significant stories and to conserve, enhance, and interpret those nationally significant stories and the natural, historic, scenic, and cultural resources of areas that illustrate significant aspects of the heritage of the United States, there is established a National Heritage Area System through the administration of which the Secretary may provide technical and financial assistance to local coordinating entities to support the establishment, development, and continuity of the National Heritage Areas.

(2) NATIONAL HERITAGE AREA SYSTEM.—The National Heritage Area System shall be composed of—

(A) each National Heritage Area, National Heritage Corridor, National Heritage Canalway, Cultural Heritage Corridor, National Heritage Route, and National Heritage Partnership designated by Congress before or on the date of enactment of this Act; and

(B) each National Heritage Area designated by Congress after the date of enactment of this Act.

(3) RELATIONSHIP TO THE NATIONAL PARK SYSTEM.—

(A) RELATIONSHIP TO NATIONAL PARK UNITS.—The Secretary shall—

(i) ensure, to the maximum extent practicable, participation and assistance by any administrator of a unit of the National Park System that is located near or encompassed by a National Heritage Area in local initiatives for the National Heritage Area to conserve and interpret resources consistent with the applicable management plan for the National Heritage Area; and

(ii) work with local coordinating entities to promote public enjoyment of units of the National Park System and National Park-related resources.

(B) TREATMENT.—

(i) IN GENERAL.—A National Heritage Area shall not be—

(I) considered to be a unit of the National Park System; or

(II) subject to the authorities applicable to units of the National Park System.

(ii) EFFECT.—Nothing in this subparagraph affects the administration of a unit of the National Park System located within the boundaries of a National Heritage Area.

(4) AUTHORITIES.—In carrying out this section, the Secretary may—

(A) conduct or review, as applicable, feasibility studies in accordance with subsection (c)(1);

(B) conduct an evaluation of the accomplishments of, and submit to Congress a report that includes recommendations regarding the role of National Park Service with respect to, each National Heritage Area, in accordance with subsection (d);

(C) enter into cooperative agreements with other Federal agencies, States, Tribal governments, local governments, local coordinating entities, and other interested individuals and entities to achieve the purposes of the National Heritage Area System;

(D) provide information, promote understanding, and encourage research regarding National Heritage Areas, in partnership with local coordinating entities; and

(E) provide national oversight, analysis, coordination, technical and financial assistance, and support to ensure consistency and accountability of the National Heritage Area System.

(c) NATIONAL HERITAGE AREA STUDIES AND DESIGNATION.—

(1) STUDIES.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary may carry out or review a study to assess the suitability and feasibility of each proposed National Heritage Area for designation as a National Heritage Area.

(B) PREPARATION.—

(i) IN GENERAL.—A study under subparagraph (A) may be carried out—

(I) by the Secretary, in consultation with State and local historic preservation officers, State and local historical societies, State and local tourism offices, and other appropriate organizations and governmental agencies; or

(II) by interested individuals or entities, if the Secretary certifies that the completed study meets the requirements of subparagraph (C).

(ii) CERTIFICATION.—Not later than 1 year after receiving a study carried out by interested individuals or entities under clause (i)(II), the Secretary shall review and certify whether the study meets the requirements of subparagraph (C).

(C) REQUIREMENTS.—A study under subparagraph (A) shall include analysis, documentation, and determinations on whether the proposed National Heritage Area—

(i) has an assemblage of natural, historic, and cultural resources that—

(I) represent distinctive aspects of the heritage of the United States;

(II) are worthy of recognition, conservation, interpretation, and continuing use; and

(III) would be best managed—

(aa) through partnerships among public and private entities; and

(bb) by linking diverse and sometimes noncontiguous resources and active communities;

(ii) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(iii) provides outstanding opportunities—

(I) to conserve natural, historic, cultural, or scenic features; and

(II) for recreation and education;

(iv) contains resources that—

(I) are important to any identified themes of the proposed National Heritage Area; and

(II) retain a degree of integrity capable of supporting interpretation;

(v) includes a diverse group of residents, business interests, nonprofit organizations, and State and local governments that—

(I) are involved in the planning of the proposed National Heritage Area;

(II) have developed a conceptual financial plan that outlines the roles of all participants in the proposed National Heritage Area, including the Federal Government; and

(III) have demonstrated significant support for the designation of the proposed National Heritage Area;

(vi) has a potential management entity to work in partnership with the individuals and entities described in clause (v) to develop the proposed National Heritage Area while encouraging State and local economic activity; and

(vii) has a conceptual boundary map that is supported by the public.

(D) REPORT.—

(i) IN GENERAL.—For each study carried out under subparagraph (A), 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—

(I) any correspondence received by the Secretary demonstrating support for, or opposition to, the establishment of the National Heritage Area;

(II) the findings of the study; and

(III) any conclusions and recommendations of the Secretary.

(ii) TIMING.—

(I) STUDIES CARRIED OUT BY THE SECRETARY.—With respect to a study carried out by the Secretary in accordance with subparagraph (B)(i)(I), the Secretary shall submit a report under clause (i) not later than 3 years after the date on which funds are first made available to carry out the study.

(II) STUDIES CARRIED OUT BY OTHER INTERESTED PARTIES.—With respect to a study carried out by interested individuals or entities in accordance with subparagraph (B)(i)(II), the Secretary shall submit a report under clause (i) not later than 180 days after the date on which the Secretary certifies under subparagraph (B)(ii) that the study meets the requirements of subparagraph (C).

(2) DESIGNATION.—An area shall be designated as a National Heritage Area only by an Act of Congress.

(d) EVALUATION.—

(1) IN GENERAL.—At reasonable and appropriate intervals, as determined by the Secretary, the Secretary may—

(A) conduct an evaluation of the accomplishments of a National Heritage Area in accordance with paragraph (2); and

(B) prepare and 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 includes recommendations for the continued role of the National Park Service with respect to each National Heritage Area in accordance with paragraph (3).

(2) COMPONENTS.—An evaluation under paragraph (1)(A) shall—

(A) assess the progress of the applicable local coordinating entity of a National Heritage Area with respect to—

(i) accomplishing the purposes of the applicable National Heritage Area; and

(ii) achieving the goals and objectives of the management plan;

(B) analyze Federal, State, local, Tribal government, and private investments in the National Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(3) RECOMMENDATIONS.—Each report under paragraph (1)(B) shall include—

(A) if the report contains a recommendation of the Secretary that Federal funding for the applicable National Heritage Area should be continued, an analysis of—

(i) any means by which that Federal funding may be reduced or eliminated over time; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination of Federal funding; or

(B) if the report contains a recommendation of the Secretary that Federal funding for the applicable National Heritage Area should be eliminated, a description of potential impacts on conservation, interpretation, and sustainability in the applicable National Heritage Area.

(4) CONFORMING AMENDMENT.—Section 3052(a) of Public Law 113–291 (54 U.S.C. 320101 note) is amended by striking paragraph (2).

(e) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—

(1) IN GENERAL.—Nothing in this section (including an amendment made by this section)—

(A) abridges any right of a public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within a National Heritage Area;

(B) requires any property owner to permit public access (including Federal, State, Tribal government, or local government access) to a property;

(C) modifies any provision of Federal, State, Tribal, or local law with respect to public access or use of private land;

(D)(i) alters any applicable land use regulation, land use plan, or other regulatory authority of any Federal, State, or local agency or Tribal government; or

(ii) conveys to any local coordinating entity any land use or other regulatory authority;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of a State to manage fish and wildlife, including through the regulation of fishing and hunting within a National Heritage Area in the State; or

(G) creates or affects any liability—

(i) under any other provision of law; or

(ii) of any private property owner with respect to any person injured on private property.

(2) CONFORMING AMENDMENT.—Section 8004(f) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1245) is amended by striking paragraphs (2) through (4) and inserting the following:

''(2) requires any property owner to permit public access (including Federal, State, Tribal government, or local government access) to a property;

''(3) modifies any provision of Federal, State, Tribal, or local law with respect to public access or use of private land;

''(4)(A) alters any applicable land use regulation, land use plan, or other regulatory authority of any Federal, State, or local agency or Tribal government; or

''(B) conveys to any local coordinating entity any land use or other regulatory authority;''.

(f) AUTHORIZATION OF CERTAIN NATIONAL HERITAGE AREA STUDIES.—

(1) GREAT DISMAL SWAMP NATIONAL HERITAGE AREA STUDY.—

(A) IN GENERAL.—The Secretary, in consultation with State and local organizations and governmental agencies, Tribal governments, nonprofit organizations, and other appropriate entities and in accordance with subsection (c)(1), shall conduct a study to assess the suitability and feasibility of designating the areas described in subparagraph (B) in the States of Virginia and North Carolina as a national heritage area, to be known as the ''Great Dismal Swamp National Heritage Area''.

(B) DESCRIPTION OF STUDY AREA.—The areas to be studied under paragraph (A) include—

(i) the cities of Chesapeake, Norfolk, Portsmouth, and Suffolk in the State of Virginia;

(ii) Isle of Wight County in the State of Virginia;

(iii) Camden, Currituck, Gates, and Pasquotank Counties in the State of North Carolina; and

(iv) any other area in the State of Virginia or North Carolina that—

(I) has heritage aspects that are similar to the heritage aspects of an area described in clause (i), (ii), or (iii); and

(II) is adjacent to, or in the vicinity of, an area described in clause (i), (ii), or (iii).

(2) GUAM NATIONAL HERITAGE AREA STUDY.—The Secretary, in consultation with appropriate regional and local organizations or agencies, and in accordance with subsection (c)(1), shall conduct a study to assess the suitability and feasibility of designating sites in Guam as a National Heritage Area.

(g) NATIONAL HERITAGE AREA DESIGNATIONS.—

(1) DESIGNATIONS.—Section 6001(a) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116–9; 133 Stat. 768) is amended by adding at the end the following:

''(7) ALABAMA BLACK BELT NATIONAL HERITAGE AREA.—

''(A) IN GENERAL.—There is established the Alabama Black Belt National Heritage Area in the State of Alabama, as depicted on the map entitled 'Alabama Black Belt Proposed National Heritage Area', numbered 258/177,272, and dated September 2021.

''(B) LOCAL COORDINATING ENTITY.—The Center for the Study of the Black Belt at the University of West Alabama shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

''(8) DOWNEAST MAINE NATIONAL HERITAGE AREA.—

''(A) IN GENERAL.—There is established the Downeast Maine National Heritage Area in the State of Maine, consisting of Hancock and Washington Counties, Maine.

''(B) LOCAL COORDINATING ENTITY.—The Sunrise County Economic Council shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

''(9) NORTHERN NECK NATIONAL HERITAGE AREA, VIRGINIA.—

''(A) IN GENERAL.—There is established the Northern Neck National Heritage Area in the State of Virginia, as depicted on the map entitled 'Northern Neck National Heritage Area Proposed Boundary', numbered 671/177,224, and dated August 2021.

''(B) LOCAL COORDINATING ENTITY.—The Northern Neck Tourism Commission, a working committee of the Northern Neck Planning District Commission, shall serve as the local coordinating entity for the National Heritage Area designated by subparagraph (A).

''(10) SOUTHERN CAMPAIGN OF THE REVOLUTION NATIONAL HERITAGE CORRIDOR, NORTH CAROLINA AND SOUTH CAROLINA.—

''(A) IN GENERAL.—There is established the Southern Campaign of the Revolution National Heritage Corridor in the States of North Carolina and South Carolina, as depicted on the map entitled 'Southern Campaign of the Revolution Proposed National Heritage Corridor', numbered 257/177,271, and dated September 2021.

''(B) LOCAL COORDINATING ENTITY.—The University of South Carolina shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

''(11) SOUTHERN MARYLAND NATIONAL HERITAGE AREA.—

''(A) IN GENERAL.—There is established the Southern Maryland National Heritage Area in the State of Maryland, as depicted on the map entitled 'Southern Maryland National Heritage Area Proposed Boundary', numbered 672/177,225B, and dated November 2021.

''(B) LOCAL COORDINATING ENTITY.—The Tri-County Council for Southern Maryland shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).''.

(2) MANAGEMENT PLANS.—For the purposes of section 6001(c) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116–9; 133 Stat. 772), the local coordinating entity for each of the National Heritage Areas designated under the amendment made by paragraph (1) shall submit to the Secretary for approval a proposed management plan for the applicable National Heritage Area not later than 3 years after the date of enactment of this Act.

(3) TERMINATION OF AUTHORITY.—For the purposes of section 6001(g)(4) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116–9; 133 Stat. 776), the authority of the Secretary to provide assistance under that section for each of the National Heritage Areas designated under the amendment made by paragraph (1) shall terminate on the date that is 15 years after the date of enactment of this Act.

(h) EXTENSION OF CERTAIN NATIONAL HERITAGE AREA AUTHORITIES.—

(1) EXTENSIONS.—

(A) ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR.—Section 126 of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (54 U.S.C. 320101 note; Public Law 98–398; 98 Stat. 1456; 120 Stat. 1853), as amended by section 119(a) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''September 30, 2037''.

(B) JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.—Section 10(a) of Public Law 99–647 (54 U.S.C. 320101 note; 100 Stat. 3630; 104 Stat. 1018; 128 Stat. 3804), as amended by section 119(b) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(C) DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.—Section 12 of the Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 (54 U.S.C. 320101 note; Public Law 100–692; 102 Stat. 4558; 112 Stat. 3260; 123 Stat. 1293; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(c) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended—

(i) in subsection (c)(1), by striking ''2023'' and inserting ''2037''; and

(ii) in subsection (d), by striking ''2023'' and inserting ''2037''.

(D) THE LAST GREEN VALLEY NATIONAL HERITAGE CORRIDOR.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (54 U.S.C. 320101 note; Public Law 103–449; 108 Stat. 4755; 113 Stat. 1728; 123 Stat. 1291; 128 Stat. 3802), as amended by section 119(d) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(E) NATIONAL COAL HERITAGE AREA.—Section 107 of the National Coal Heritage Area Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4244; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(F) TENNESSEE CIVIL WAR HERITAGE AREA.—Section 208 of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4248; 127 Stat. 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661; 133 Stat. 778), as amended by section 119(e)(9) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(G) AUGUSTA CANAL NATIONAL HERITAGE CORRIDOR.—Section 310 of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4252; 127 Stat. 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661; 133 Stat. 778), as amended by section 119(e)(7) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(H) RIVERS OF STEEL NATIONAL HERITAGE AREA.—Section 408 of the Steel Industry American Heritage Area Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4256; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(2) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(I) ESSEX NATIONAL HERITAGE AREA.—Section 507 of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4260; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(3) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(J) SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR.—Section 607 of the South Carolina National Heritage Corridor Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4264; 127 Stat. 420; 128 Stat. 314; 129 Stat. 2551; 132 Stat. 661; 133 Stat. 778), as amended by section 119(e)(8) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(K) AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP.—Section 707 of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4267; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(4) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(L) OHIO & ERIE NATIONAL HERITAGE CANALWAY.—Section 809 of the Ohio & Erie Canal National Heritage Corridor Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4275; 122 Stat. 826; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(5) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(M) MAURICE D. HINCHEY HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.—Section 910 of division II of Public Law 104–333 (54 U.S.C. 320101 note; 110 Stat. 4281; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3801), as amended by section 119(e)(6) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(N) MOTORCITIES NATIONAL HERITAGE AREA.—Section 109 of the Automobile National Heritage Area Act (54 U.S.C. 320101 note; Public Law 105–355; 112 Stat. 3252; 128 Stat. 3802), as amended by section 119(f) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(O) LACKAWANNA VALLEY NATIONAL HERITAGE AREA.—Section 108 of the Lackawanna Valley National Heritage Area Act of 2000 (54 U.S.C. 320101 note; Public Law 106–278; 114 Stat. 818; 127 Stat. 420; 128 Stat. 314; 128 Stat. 3802), as amended by section 119(g)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(P) SCHUYLKILL RIVER VALLEY NATIONAL HERITAGE AREA.—Section 209 of the Schuylkill River Valley Heritage Area Act (54 U.S.C. 320101 note; Public Law 106–278; 114 Stat. 824; 128 Stat. 3802), as amended by section 119(g)(2) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(Q) WHEELING NATIONAL HERITAGE AREA.—Subsection (i) of the Wheeling National Heritage Area Act of 2000 (54 U.S.C. 320101 note; Public Law 106–291; 114 Stat. 967; 128 Stat. 3802), as amended by section 119(h) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(R) YUMA CROSSING NATIONAL HERITAGE AREA.—Section 7 of the Yuma Crossing National Heritage Area Act of 2000 (54 U.S.C. 320101 note; Public Law 106–319; 114 Stat. 1284; 128 Stat. 3802), as amended by section 119(i) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(S) ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.—Section 811 of the Erie Canalway National Heritage Corridor Act (54 U.S.C. 320101 note; Public Law 106–554; 114 Stat. 2763A–295; 128 Stat. 3802), as amended by section 119(j) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(T) BLUE RIDGE NATIONAL HERITAGE AREA.—Subsection (j) of the Blue Ridge National Heritage Area Act of 2003 (54 U.S.C. 320101 note; Public Law 108–108; 117 Stat. 1280; 133 Stat. 778), as amended by section 119(k) of the Department of the Interior, Environment, and Related Agencies Appropriations

Act, 2022 (Public Law 117–103), is amended by striking ''2023'' and inserting ''2037''.

(U) NATIONAL AVIATION HERITAGE AREA.—Section 512 of the National Aviation Heritage Area Act (54 U.S.C. 320101 note; Public Law 108–447; 118 Stat. 3367; 133 Stat. 2713) is amended by striking ''September 30, 2022'' and inserting ''September 30, 2037''.

(V) OIL REGION NATIONAL HERITAGE AREA.—Section 608 of the Oil Region National Heritage Area Act (54 U.S.C. 320101 note; Public Law 108–447; 118 Stat. 3372; 133 Stat. 2713) is amended by striking ''September 30, 2022'' and inserting ''September 30, 2037''.

(W) NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.—Section 208 of the Northern Rio Grande National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1790), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(X) ATCHAFALAYA NATIONAL HERITAGE AREA.—Section 221 of the Atchafalaya National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1795), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(Y) ARABIA MOUNTAIN NATIONAL HERITAGE AREA.—Section 240 of the Arabia Mountain National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1799), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(Z) MORMON PIONEER NATIONAL HERITAGE AREA.—Section 260 of the Mormon Pioneer National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1807), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(AA) FREEDOM'S FRONTIER NATIONAL HERITAGE AREA.—Section 269 of the Freedom's Frontier National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1813), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(BB) UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.—Section 280B of the Upper Housatonic Valley National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1819), as amended by section 119(*l*)(2) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(CC) CHAMPLAIN VALLEY NATIONAL HERITAGE PARTNERSHIP.—Section 289 of the Champlain Valley National Heritage Partnership Act of 2006 (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1824), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(DD) GREAT BASIN NATIONAL HERITAGE ROUTE.—Section 291J of the Great Basin National Heritage Route Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1831), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(EE) GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.—Section 295L of the Gullah/Geechee Cultural Heritage Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1837), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(FF) CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.—Section 297H of the Crossroads of the American Revolution National Heritage Area Act of 2006 (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1844), as amended by section 119(*l*)(1) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (Public Law 117–103), is amended by striking ''September 30, 2023'' and inserting ''September 30, 2037''.

(GG) ABRAHAM LINCOLN NATIONAL HERITAGE AREA.—Section 451 of the Consolidated Natural Resources Act of 2008 (54 U.S.C. 320101 note; Public Law 110–229; 122 Stat. 824) is amended by striking ''the date that is 15 years after the date of the enactment of this subtitle'' and inserting ''September 30, 2037''.

(HH) JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.—Section 411 of the Consolidated Natural Resources Act of 2008 (54 U.S.C. 320101 note; Public Law 110–229; 122 Stat. 809) is amended by striking ''the date that is 15 years after the date of enactment of this subtitle'' and inserting ''September 30, 2037''.

(II) NIAGARA FALLS NATIONAL HERITAGE AREA.—Section 432 of the Consolidated Natural Resources Act of 2008 (54 U.S.C. 320101 note; Public Law 110–229; 122 Stat. 818) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(JJ) SANGRE DE CRISTO NATIONAL HERITAGE AREA.—Section 8001(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1229) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(KK) CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA.—Section 8002(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1234) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(LL) SOUTH PARK NATIONAL HERITAGE AREA.—Section 8003(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1240) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(MM) NORTHERN PLAINS NATIONAL HERITAGE AREA.—Section 8004(j) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1247; 123 Stat. 2929) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(NN) BALTIMORE NATIONAL HERITAGE AREA.—Section 8005(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1253) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(OO) FREEDOM'S WAY NATIONAL HERITAGE AREA.—Section 8006(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1260) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(PP) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—Section 8007(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1267) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(QQ) MISSISSIPPI DELTA NATIONAL HERITAGE AREA.—Section 8008(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1275) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(RR) MUSCLE SHOALS NATIONAL HERITAGE AREA.—Section 8009(j) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1282) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(SS) KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.—Section 8010(i) of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 320101 note; Public Law 111–11; 123 Stat. 1288) is amended by striking ''the date that is 15 years after the date of enactment of this Act'' and inserting ''September 30, 2037''.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each National Heritage Area extended under an amendment made by subparagraphs (A) through (SS) of paragraph (1) not more than $1,000,000 for each of fiscal years 2023 through 2037, subject to any other applicable provisions of, but notwithstanding any limitation on total appropriations for the applicable National Heritage Area established by, a law amended by that paragraph.

(i) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN NATIONAL HERITAGE AREAS.—

(1) RIVERS OF STEEL NATIONAL HERITAGE AREA.—Section 409(a) of the Steel Industry American Heritage Area Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4256; 129 Stat. 2551; 133 Stat. 778) is amended, in the second sentence, by striking ''$20,000,000'' and inserting ''$22,000,000''.

(2) ESSEX NATIONAL HERITAGE AREA.—Section 508(a) of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4260; 129 Stat. 2551; 133 Stat. 778) is amended, in the second sentence, by striking ''$20,000,000'' and inserting ''$22,000,000''.

(3) SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR.—Section 608(a) of the South Carolina National Heritage Corridor Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4264; 122 Stat. 824; 133 Stat. 2714) is amended, in the second sentence, by striking ''$17,000,000'' and inserting ''$19,000,000''.

(4) AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP.—Section 708(a) of division II of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4267; 122 Stat. 824; 134 Stat. 1505) is amended, in the second sentence, by striking ''$17,000,000'' and inserting ''$19,000,000''.

(5) OHIO & ERIE NATIONAL HERITAGE CANALWAY.—Section 812(a) of the Ohio & Erie Canal National Heritage Corridor Act of 1996 (54 U.S.C. 320101 note; Public Law 104–333; 110 Stat. 4275; 133 Stat. 778) is amended by striking ''$20,000,000'' and inserting ''$22,000,000''.

(6) MAURICE D. HINCHEY HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.—Section 909(c) of division II of Public Law 104–333 (54 U.S.C. 320101 note; 110 Stat. 4280; 122 Stat. 824) is amended, in the matter preceding paragraph

(1), by striking ''$15,000,000'' and inserting ''$17,000,000''.

(7) MOTORCITIES NATIONAL HERITAGE AREA.—Section 110(a) of the Automobile National Heritage Area Act (54 U.S.C. 320101 note; Public Law 105–355; 112 Stat. 3252; 133 Stat. 778) is amended, in the second sentence, by striking ''$12,000,000'' and inserting ''$14,000,000''.

(8) WHEELING NATIONAL HERITAGE AREA.—Subsection (h)(1) of the Wheeling National Heritage Area Act of 2000 (54 U.S.C. 320101 note; Public Law 106–291; 114 Stat. 967; 133 Stat. 778) is amended by striking ''$15,000,000'' and inserting ''$17,000,000''.

(9) THE LAST GREEN VALLEY NATIONAL HERITAGE CORRIDOR.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (54 U.S.C. 320101 note; Public Law 103–449; 108 Stat. 4756; 113 Stat. 1729; 123 Stat. 1292; 133 Stat. 2714) is amended, in the first sentence, by striking ''$17,000,000'' and inserting ''$19,000,000''.

(10) LACKAWANNA VALLEY NATIONAL HERITAGE AREA.—Section 109(a) of the Lackawanna Valley National Heritage Area Act of 2000 (54 U.S.C. 320101 note; Public Law 106–278; 114 Stat. 818; 134 Stat. 1505) is amended by striking ''$12,000,000'' and inserting ''$14,000,000''.

(11) BLUE RIDGE NATIONAL HERITAGE AREA.—Subsection (i)(1) of the Blue Ridge National Heritage Area Act of 2003 (54 U.S.C. 320101 note; Public Law 108–108; 117 Stat. 1280; 133 Stat. 778) is amended by striking ''$14,000,000'' and inserting ''$16,000,000''.

(j) REDESIGNATIONS.—

(1) SILOS & SMOKESTACKS NATIONAL HERITAGE AREA.—

(A) REDESIGNATION.—The America's Agricultural Heritage Partnership established by section 703(a) of division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4266) shall be known and designated as the ''Silos & Smokestacks National Heritage Area''.

(B) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the partnership referred to in subparagraph (A) shall be deemed to be a reference to the ''Silos & Smokestacks National Heritage Area''.

(2) GREAT BASIN NATIONAL HERITAGE AREA.—

(A) DESIGNATION OF THE GREAT BASIN NATIONAL HERITAGE AREA.—The Great Basin National Heritage Route Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1824) is amended—

(i) by striking ''the Heritage Route'' each place it appears and inserting ''the Heritage Area'';

(ii) by striking ''along'' each place it appears and inserting ''in'';

(iii) in the subtitle heading, by striking ''**Route**'' and inserting ''**Area**'';

(iv) in section 291, by striking ''Route'' and inserting ''Area'';

(v) in section 291A(a)—

(I) in paragraphs (2) and (3), by striking ''the Great Basin Heritage Route'' each place it appears and inserting ''the Great Basin National Heritage Area''; and

(II) in paragraph (13), by striking ''a Heritage Route'' and inserting ''a Heritage Area'';

(vi) in section 291B, by striking paragraph (2) and inserting the following:

''(2) HERITAGE AREA.—The term 'Heritage Area' means the Great Basin National Heritage Area established by section 291C(a).''; and

(vii) in section 291C—

(I) in the section heading, by striking ''**ROUTE**'' and inserting ''**AREA**''; and

(II) in subsection (a), by striking ''Heritage Route'' and inserting ''Heritage Area''; and

(III) in section 291L(d), in the subsection heading, by striking ''IN HERITAGE ROUTE'' and inserting ''IN HERITAGE AREA''.

(B) DESIGNATION OF GREAT BASIN HERITAGE AREA PARTNERSHIP.—The Great Basin National Heritage Area Act (54 U.S.C. 320101 note; Public Law 109–338; 120 Stat. 1824) is amended by striking ''Great Basin Heritage Route Partnership'' each place it appears and inserting ''Great Basin Heritage Area Partnership''.

(k) EXTENSION OF DEADLINE TO COMPLETE CERTAIN MANAGEMENT PLANS.—Section 6001(c)(1) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (54 U.S.C. 320101 note; Public Law 116–9; 133 Stat. 772) is amended by striking ''3'' and inserting ''5''.

SA 6235. Mr. CRUZ (for himself and 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 XXXI, add the following:

SEC. 313___. NATURAL GAS EXPORTS.

(a) FINDING.—Congress finds that expanding natural gas exports will lead to increased investment and development of domestic supplies of natural gas that will contribute to job growth and economic development.

(b) NATURAL GAS EXPORTS.—Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended—

(1) by inserting ''or any other nation not excluded by this section'' after ''trade in natural gas'';

(2) by striking ''(c) For purposes'' and inserting the following:

''(c) EXPEDITED APPLICATION AND APPROVAL PROCESS.—

''(1) IN GENERAL.—For purposes''; and

(3) by adding at the end the following:

''(2) EXCLUSIONS.—

''(A) IN GENERAL.—Any nation subject to sanctions or trade restrictions imposed by the United States is excluded from expedited approval under paragraph (1).

''(B) DESIGNATION BY PRESIDENT OR CONGRESS.—The President or Congress may designate nations that may be excluded from expedited approval under paragraph (1) for reasons of national security.

''(3) ORDER NOT REQUIRED.—No order is required under subsection (a) to authorize the export or import of any natural gas to or from Canada or Mexico.''.

SA 6236. Mr. INHOFE (for 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 A of title XII, add the following:

SEC. 1214. UNITED STATES – ISRAEL ARTIFICIAL INTELLIGENCE CENTER.

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

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

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

(1) machine learning;

(2) image classification;

(3) object detection;

(4) speech recognition;

(5) natural language processing;

(6) data labeling;

(7) computer vision; and

(8) model explainability and interpretability.

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

(e) INTERNATIONAL PARTNERSHIPS.—

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

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

(f) LIMITATIONS.—The Center is prohibited from receiving any investment from or contracting with—

(1) any individual or entity with ties to any entity affiliated (officially or unofficially) with the Chinese Communist Party, the People's Liberation Army, or Government of the People's Republic of China; or

(2) any entity owned, controlled by, or affiliated with the Chinese Communist Party or the People's Republic of China, or in which the Government of the People's Republic of China has an ownership interest.

(g) COUNTERINTELLIGENCE SCREENING PROCESS.—

(1) ESTABLISHMENT.—The Director of National Intelligence, the Director of the National Counterintelligence and Security Center, and the Director of the Federal Bureau of Investigation shall jointly establish a comprehensive counterintelligence screening process to protect the United States against efforts of the Government of the People's Republic of China and other foreign entities to engage in economic espionage and to misappropriate or misuse the intellectual property, research and development, and innovation efforts produced by the Center.

(2) FUNCTIONS.—Subject to the joint direction and control of the Federal officials referred to in paragraph (1), the counterintelligence screening process established under such paragraph shall assess and screen all purchases, leases, and other transfers of intellectual property developed with the assistance of the Center for potential national

security threats as a condition precedent to any such agreement.

(3) FUNDING.—Amounts required to carry out the process established under paragraph (1) shall be derived from amounts appropriated pursuant to subsection (j).

(h) PROTECTIONS.—

(1) CERTIFICATION REQUIRED FOR PARTICIPATION.—Notwithstanding any other provision of this section, no person or entity may purchase, lease, participate in development of, or otherwise obtain any intellectual property developed with the assistance of the Center, unless all of the Federal officials referred to in subsection (g)(1) jointly certify, on behalf of their respective departments or agencies, that any such property has sufficient protections in place preclude misuse of United States intellectual property, research and development, and innovation efforts, and other threats from the People's Republic of China and other entities.

(2) CERTIFICATION REQUIREMENTS.—Notwithstanding any other provision of this section, no certification may be made under paragraph (1) with respect to a person or entity unless such person or entity discloses to Center—

(A) any funding the person received from sources other than entities in the United States or Israel during the most recent 10-year period; and

(B) any participation of the person in the People's Republic of China's Thousand Talents Program or any entity with official or unofficial ties to the Chinese Communist Party, the People's Republic of China, or its affiliates, including—

(i) any institute or university included in the Seven Sons of National Defense; and

(ii) any college or university that receives funding from the People's Liberation Army, the Central Military Commission of the Chinese Communist Party, the Equipment Development Department of the Central Military Commission of the Chinese Communist Party, or the Ministry of Science and Technology of the People's Republic of China.

(i) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and not later than December 31 of each year thereafter, the Federal officials referred to in subsection (g)(1) shall jointly submit a report to Congress that describes the safeguards established by the Center to prevent the misappropriation or misuse of intellectual property, research and development, and innovation efforts produced by the Center.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Center $10,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.

SA 6237. Mr. INHOFE (for 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 D of title X, add the following:

SEC. 1035. PROHIBITION ON AVAILABILITY OF FUNDS FOR CHARTERING PRIVATE OR COMMERCIAL AIRCRAFT TO TRANSPORT INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Department of Defense or any element of the intelligence community may be obligated or expended to charter any private or commercial aircraft to transport an individual who is or was an individual detained at Guantanamo.

(b) DEFINITIONS.—

(1) 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).

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

SEC. 1036. CERTIFICATION TO CONGRESS FOR CERTAIN TRANSFERS OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Department of Defense or any element of the intelligence community may be obligated or expended to transfer any individual detained at Guantanamo until—

(1) the individual to be transferred has attested publicly, in writing, to the Secretary of Defense that the individual will not engage in terrorism against the United States, United States interests, or United States citizens abroad; and

(2) the Secretary of Defense and the Director of National Intelligence each certify in writing to the appropriate committees of Congress that the record of the individual, including the attestation required under paragraph (1), supports that the individual will not engage in terrorism against the United States, United States interests, or United States citizens abroad.

(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 Select Committee on Intelligence of the Senate;

(C) the Committee on Armed Services of the House of Representatives; and

(D) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) 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).

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

SA 6238. Mr. INHOFE (for 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 D of title XII, add the following:

SEC. 1254. STRATEGY FOR COUNTERING THE PEOPLE'S REPUBLIC OF CHINA.

(a) IDENTIFICATION OF VULNERABILITIES AND LEVERAGE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of the Treasury, the Director of the Office of Federal Procurement Policy, and the Director of the Office of Science and Technology Policy, shall submit to the appropriate committees of Congress a report that identifies—

(1) goods and services from the United States that are relied on by the People's Republic of China such that that reliance presents a strategic opportunity and source of leverage against the People's Republic of China; and

(2) procurement practices of the United States Armed Forces and other Federal agencies that are reliant on trade with the People's Republic of China and other inputs from the People's Republic of China, such that that reliance presents a strategic vulnerability and source of leverage that the Chinese Communist Party could exploit.

(b) STRATEGY.—Not later than 180 days after the submission of the report required by subsection (a)—

(1) the Secretary of the Treasury, in consultation with the Secretary of the Defense, the Secretary of Commerce, the Secretary of State, the Director of the Office of Federal Procurement Policy, and the Director of the Office of Science and Technology Policy, shall submit to the appropriate committees of Congress a report, utilizing the findings of the report required by subsection (a), that describes a comprehensive sanctions strategy to advise policymakers on policies the United States and allies and partners of the United States could adopt with respect to the People's Republic of China in response to an invasion of Taiwan by the People's Republic of China that—

(A) starves the People's Liberation Army of oil, natural gas, munitions, and other supplies needed to conduct military operations against Taiwan, United States facilities in the Pacific and Indian Oceans, and allies and partners of the United States in the region;

(B) diminishes the capacity of the industrial base of the People's Republic of China to manufacture and deliver defense articles to replace those lost in operations of the People's Liberation Army against Taiwan, the United States, and allies and partners of the United States; and

(C) inhibits the ability of the People's Republic of China to evade United States and multilateral sanctions through third parties, including through secondary sanctions; and

(2) the Secretary of Commerce, in consultation the Secretary of Defense, the Secretary of State, the Director of National Intelligence, the United States Trade Representative, the Director of the Office of Federal Procurement Policy, and the Director of the Office of Science and Technology Policy, shall submit to the appropriate committees of Congress a report that—

(A) identifies critical sectors within the United States economy that rely on trade with the People's Republic of China and other inputs from the People's Republic of China (including active pharmaceutical ingredients, rare earth minerals, and metallurgical inputs), such that those sectors present a strategic vulnerability and source of leverage that the Chinese Communist Party could exploit;

(B) makes recommendations to Congress on steps that can be taken to reduce the

sources of leverage described in subparagraph (A) and subsection (a)(1), including through—

(i) provision of economic incentives and making other trade and contracting reforms to support United States industry and job growth in critical sectors and to indigenize production of critical resources; and

(ii) policies to facilitate ''near- or friend-shoring'', or otherwise developing strategies to facilitate that process with allies and partners of the United States, in other sectors for which domestic reshoring would prove infeasible for any reason.

(c) FORM.—The reports required by subsections (a) and (b) shall be submitted in unclassified form but may include a classified annex.

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

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 6239. 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 appropriate place in title X, insert the following:

SEC. 10___. REMEMBRANCE OF CONGRESSMAN DON YOUNG.

Notwithstanding section 2409 of title 38, United States Code, the memory of Congressman Don Young shall be honored with a memorial marker and ceremony in Arlington National Cemetery.

SA 6240. 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. _____. MODIFICATION TO PROVISIONS OF LAW RELATING TO CERTAIN ACTIVITIES WITH UNUSUALLY HAZARDOUS RISKS.

(a) RESEARCH AND DEVELOPMENT CONTRACTS: INDEMNIFICATION PROVISIONS.—Section 3861 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''the Secretary of Defense or'' after ''With the approval of''; and

(B) by inserting ''or defense agency'' before ''for research''; and

(2) by adding at the end the following new subsection:

''(e) APPROVAL BY SECRETARY OF DEFENSE.—If, within 90 days of the submission of a request to the Secretary of a military department by a contractor for indemnification of the contractor by the military department for a risk that is unusually hazardous, the Secretary of a military department rejects or refuses to approve such request—

''(1) the contractor may appeal such rejection or refusal to the Secretary of Defense; and

''(2) the Secretary of Defense may approve the indemnification of the contractor by the military department.

''(f) DEFINITION OF UNUSUALLY HAZARDOUS.—In this section, the term 'unusually hazardous' may include risk of the following:

''(1) burning, explosion, detonation, flight or surface impact, or toxic or hazardous material release associated with one or more of the following:

''(A) Products or programs relating to any hypersonic weapon system, including boost glide vehicles and air-breathing propulsion systems.

''(B) Products or programs relating to rocket propulsion systems, including, at a minimum, with respect to rockets, missiles, launch vehicles, rocket engines or motors or hypersonic weapons systems using either a solid or liquid high energy propellant inclusive of any warhead, if any, in excess of 1000 pounds of the chemical equivalent of Trinitrotoluene (TNT).

''(C) Products or programs relating to the introduction, fielding or incorporating of any item containing high energy propellants, inclusive of any warhead, if any, in excess of 1000 pounds of the chemical equivalent of Trinitrotoluene into any ship, vessel, submarine, aircraft, or spacecraft.

''(2) Loss of products relating to a classified program where insurance is not available due to the prohibition of disclosure of classified information to commercial insurance providers, and without such disclosure access to insurance is not possible.

''(3) Any other risk that the contract defines as unusually hazardous.''.

(b) EXECUTIVE ORDER 10789.—

(1) DEFINITION OF UNUSUALLY HAZARDOUS.—For purposes of Executive Order 10789 (50 U.S.C. 1431 note; relating to contracting authority of Government agencies in connection with national defense functions), the term ''unusually hazardous'' may include risk of one or more of the following:

(A) Burning, explosion, detonation, flight or surface impact, or toxic or hazardous material release associated with, including operations and maintenance thereof, one or more of the following:

(i) Products or programs relating to any hypersonic weapon system, including boost glide vehicles and air-breathing propulsion systems.

(ii) Products or programs relating to rocket propulsion systems, including, at a minimum, with respect to rockets, missiles, launch vehicles, rocket engines or motors or hypersonic weapons systems using either a solid or liquid high energy propellant inclusive of any warhead, if any, in excess of 1000 pounds of the chemical equivalent of Trinitrotoluene (TNT).

(iii) Products or programs relating to the introduction, fielding or incorporating of any item containing high energy propellants, inclusive of any warhead, if any, in excess of 1000 pounds of the chemical equivalent of Trinitrotoluene into any ship, vessel, submarine, aircraft, or spacecraft.

(B) Loss of products relating to a classified program where insurance is not available due to the prohibition of disclosure of classified information to commercial insurance providers, and without such disclosure access to insurance is not possible.

(C) Any other risk that the contract defines as unusually hazardous.

(2) WILLFUL MISCONDUCT EXCLUSION.—(A) Pursuant to paragraph 1A(b)(2) of such Executive Order, an indemnification and hold harmless agreement entered into between the United States and a contractor, or between a contractor and a subcontractor, or between two subcontractors, may have the authority not to cover claims or losses, whether between the United States and a contractor, or between a contractor and a subcontractor, or between two subcontractors, caused by the willful misconduct or lack of good faith on the part of one or more contractor or subcontractor principal officials which are—

(i) claims by the United States (other than those arising through subrogation) against the contractor or subcontractor, or

(ii) losses affecting the property of such contractor or subcontractor.

(B) In this paragraph, the term ''principal officials'' means directors, officers, managers, superintendents, or other representatives supervising or directing—

(i) all or substantially all of the contractor or subcontractor's business;

(ii) all or substantially all of the contractor or subcontractor's operations at any one plant or separate location in which the contract is being performed; or

(iii) a separate and complete major industrial operation in connection with the performance of the contract.

(c) EXTENSION OF REQUIREMENT FOR REPORTS ON CERTAIN ACTIVITIES WITH UNUSUALLY HAZARDOUS RISKS.—Section 1684 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended—

(1) in subsection (a), by striking ''2022 and 2023'' and inserting ''2022 through 2024''; and

(2) in subsection (b), by striking ''September 30, 2023'' and inserting ''September 30, 2024''.

SA 6241. Ms. ERNST (for herself 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 C of title VII, add the following:

SEC. 753. WARFIGHTER BRAIN HEALTH INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall establish and implement a comprehensive strategy and action plan for brain health to be known as the ''Warfighter Brain Health Initiative'' (in this section referred to as the ''Initiative'') to unify disparate efforts and programs across the Department of Defense to improve the brain health and cognitive performance of members of the Armed Forces.

(b) OBJECTIVES.—The objectives of the Initiative are the following:

(1) To enhance the cognitive performance of members of the Armed Forces through an integrated brain health strategy that includes education, training, prevention, protection, monitoring, detection, diagnosis, treatment, and rehabilitation, including by—

(A) establishing common brain health monitoring baselines across the Department of Defense to be used to monitor a member of the Armed Forces at regular intervals with the goal of detecting patterns of brain injury and health distress early in the evolution of injury or disease progression;

(B) identifying and disseminating blast pressure thresholds associated with microscopic brain injury;

(C) modifying high risk training and operational activities to mitigate the negative effects of repetitive harmful blast exposure;

(D) developing and conducting operational fielding of non-invasive portable point of care medical devices to inform diagnosis and treatment of structural and functional traumatic brain injury;

(E) establishing standardized reporting of critical incidents and blast exposures affecting brain health for members of the Armed Forces;

(F) developing a comprehensive brain health research roadmap that establishes strict criteria for research grants based on direct correlation to the brain health outcomes of members of the Armed Forces, including prevention, protection, detection, diagnosis, treatment and rehabilitation;

(G) incorporating the findings and recommendations of the report entitled ''Traumatic Brain Injury: A Roadmap for Accelerating Progress'' published in February 2022 by the National Academies of Science, Engineering, and Medicine; and

(H) identifying occupational specialties that pose a high risk to brain health.

(2) To synchronize and prioritize efforts to improve brain health by the Department of Defense into a single approach to produce more efficient and effective results.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Initiative, including a summary of progress made toward the objectives described in subsection (b).

(2) ANNUAL REPORT.—Not later than January 31, 2024, and annually thereafter until 2030, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(A) a description of the actions taken and resources expended in the previous fiscal year to carry out the Initiative; and

(B) a summary of progress made toward the objectives described in subsection (b) during the previous fiscal year.

(d) BUDGET EXHIBIT.—The Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for each of fiscal years 2025 through 2029 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a single budget exhibit containing relevant details pertaining to the Initiative.

SA 6242. Mr. HICKENLOOPER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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 TO AUTHORITY TO BUILD CAPACITY OF FOREIGN SECURITY FORCES.

Subsection (a) of section 333 of title 10, United States Code, is amended—

(1) in paragraph (3), by inserting ''or other counter-illicit trafficking operations'' before the period at the end; and

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

''(10) Operations or activities that maintain or enhance the climate resilience of military or security infrastructure supporting security cooperation programs under this section.''.

SA 6243. Mr. HICKENLOOPER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2867. CONTRIBUTIONS FOR CLIMATE RESILIENCE FOR NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.

Section 2806(a) of title 10, United States Code, is amended by striking ''and construction'' and inserting ''construction, and climate resilience''.

SA 6244. Mr. HICKENLOOPER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. JOHN LEWIS CIVIL RIGHTS FELLOWSHIP ACT OF 2022.

(a) SHORT TITLE.—This Act may be cited as the ''John Lewis Civil Rights Fellowship Act of 2022''.

(b) JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.—The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by adding at the end the following:

''SEC. 115. JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.

''(a) ESTABLISHMENT.—There is established the John Lewis Civil Rights Fellowship Program (referred to in this section as the 'Fellowship Program') within the J. William Fulbright Educational Exchange Program.

''(b) PURPOSES.—The purposes of the Fellowship Program are—

''(1) to honor the legacy of Representative John Lewis by promoting a greater understanding of the history and tenets of nonviolent civil rights movements; and

''(2) to advance foreign policy priorities of the United States by promoting studies, research, and international exchange in the subject of nonviolent movements that established and protected civil rights around the world.

''(c) ADMINISTRATION.—The Bureau of Educational and Cultural Affairs (referred to in this section as the 'Bureau') shall administer the Fellowship Program in accordance with policy guidelines established by the Board, in consultation with the binational Fulbright Commissions and United States Embassies.

''(d) SELECTION OF FELLOWS.—

''(1) IN GENERAL.—The Board shall annually select qualified individuals to participate in the Fellowship Program. The Board may determine the number of fellows selected each year, which, whenever feasible shall be not fewer than 25.

''(2) OUTREACH.—To the extent practicable, the Bureau shall conduct outreach at institutions the Bureau determines are likely to produce a range of qualified applicants.

''(e) FELLOWSHIP ORIENTATION.—Annually, the Bureau shall organize and administer a fellowship orientation, which shall—

''(1) be held in Washington, D.C., or at another location selected by the Bureau; and

''(2) include programming to honor the legacy of Representative John Lewis.

''(f) STRUCTURE.—

''(1) WORK PLAN.—To carry out the purposes described in subsection (b)(2)—

''(A) each fellow selected pursuant to subsection (d) shall arrange an internship or research placement—

''(i) with a nongovernmental organization, academic institution, or other organization approved by the Bureau; and

''(ii) in a country with an operational Fulbright U.S. Student Program; and

''(B) the Bureau shall, for each fellow, approve a work plan that identifies the target objectives for the fellow, including specific duties and responsibilities relating to those objectives.

''(2) CONFERENCES; PRESENTATIONS.—Each fellow shall—

''(A) a fellowship orientation organized and administered by the Bureau under subsection (e);

''(B) not later than the date that is 1 year after the end of the fellowship period, attend a fellowship summit organized and administered by the Bureau, which—

''(i) whenever feasible, shall be held in a location of importance to the civil rights movement in the United States and selected by the Bureau; and

''(ii) may coincide with other events facilitated by the Bureau; and

''(C) at such summit, give a presentation on lessons learned during the period of fellowship.

''(3) FELLOWSHIP PERIOD.—Each fellowship under this section shall continue for a period determined by the Bureau, which, whenever feasible, shall be not shorter than 10 months.

''(g) FELLOWSHIP AWARD.—The Bureau shall provide each fellow under this section with an allowance that is equal to the amount needed for—

''(1) the reasonable costs of the fellow during the fellowship period; and

''(2) travel and lodging expenses related to attending the orientation and summit required under subsection (e)(2).

''(h) REPORTS.—Not later than 1 year after the date of the completion of the fellowship by the initial cohort of fellows selected under subsection (d), and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee

on Foreign Relations of the Senate a report providing information on the implementation of the Fellowship Program, including—

''(1) a description of the demographics of the cohort of fellows who completed a fellowship during the preceding 1-year period;

''(2) an analysis of trends relating to the diversity of the cohort of fellows and the topics of projects completed over the course of the Fellowship Program; and

''(3) a description of internship and research placements, and research projects selected, under the Fellowship Program, including feedback from—

''(A) fellows on implementation of the Fellowship Program; and

''(B) the Secretary of State on lessons learned.

''(i) SUNSET.—The authority to carry out this section terminates on the date that is 7 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) in paragraph (8), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (9), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(10) the John Lewis Civil Rights Fellowship Program established under section 115, which provides funding for international internships and research placements for early- to mid-career individuals from the United States to study nonviolent civil rights movements in self-arranged placements with universities or nongovernmental organizations in foreign countries.''.

SA 6245. Mr. HICKENLOOPER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. EXTENSION OF AUTHORIZATIONS RELATED TO FISH RECOVERY PROGRAMS.

Section 3 of Public Law 106–392 (114 Stat. 1603 et seq.) is amended—

(1) by striking ''2023'' each place it appears and inserting ''2024'';

(2) in subsection (b)(1), by striking ''$179,000,000'' and inserting ''$184,000,000'';

(3) in subsection (b)(2), by striking ''$30,000,000'' and inserting ''$25,000,000'';

(4) in subsection (h), by striking '', at least 1 year prior to such expiration,''; and

(5) in subsection (j), by striking ''2021'' each place it appears and inserting ''2022''.

SA 6246. 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. _____. PUBLICATION AND DISTRIBUTION OF OPINIONS.

Section 521 of title 28, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Attorney General''; and

(2) by adding at the end the following:

''(b) OLC OPINIONS.—

''(1) DEFINITIONS.—In this subsection, the following terms shall apply:

''(A) FINAL OLC OPINION.—The term 'final OLC opinion' means an OLC opinion that—

''(i) the Attorney General, Assistant Attorney General for the Office of Legal Counsel, or a Deputy Assistant General for the Office of Legal Counsel, has determined is final;

''(ii) is relied upon by government officials or government contractors;

''(iii) is relied upon to formulate legal guidance; or

''(iv) is directly or indirectly cited in another OLC opinion.

''(B) OLC OPINION.—The term 'OLC opinion'—

''(i) means views on a matter of legal interpretation communicated by the Office of Legal Counsel of the Department of Justice to any other office or agency, or person in an office or agency, in the Executive Branch, including any office in the Department of Justice, the White House, or the Executive Office of the President, and rendered in accordance with sections 511 through 513; and

''(ii) includes—

''(I) in the case of a verbal communication of a legal interpretation, a memorialization of that communication;

''(II) a final OLC opinion; and

''(III) a revised OLC opinion.

''(C) REVISED OLC OPINION.—The term 'revised OLC opinion' means an OLC opinion—

''(i) that is withdrawn;

''(ii) to which information is added; or

''(iii) from which information is removed.

''(2) REQUIREMENT.—Subject to paragraph (3) and in accordance with paragraph (4), the Attorney General shall publish all OLC opinions on the public website of the Department to be accessed by the public free of charge.

''(3) REDACTION OF CLASSIFIED INFORMATION.—

''(A) IN GENERAL.—In the case of an OLC opinion required to be published under paragraph (2) that contains information classified as confidential, secret, or top secret, the Attorney General shall—

''(i) redact the classified information from the OLC opinion before publication of the OLC opinion; and

''(ii) establish and preserve an accurate record documenting each redaction from the OLC opinion, including information describing in detail why public online disclosure of the classified information would have resulted in the associated harm that pertains to each level of classification.

''(B) LIMITATION.—The Attorney General may not redact information under this paragraph that is sensitive but unclassified.

''(C) SUBMISSION TO CONGRESS.—In the case of an OLC opinion described in subparagraph (A), the Attorney General shall submit the full opinion, without redaction, to any Member of Congress and any appropriately cleared congressional staff member.

''(D) PERIODIC REVIEW.—To the maximum extent practicable, the Attorney General shall, on a continual basis and not less frequently than once every 90 days—

''(i) review every OLC opinion published under this subsection that contains redactions of classified information; and

''(ii) remove any redactions that no longer protect information that is classified as either sensitive, secret, or top secret.

''(4) DEADLINE FOR PUBLICATION.—

''(A) IN GENERAL.—Each OLC opinion issued by the Office of Legal Counsel of the Department after the date of enactment of the DOJ OLC Transparency Act shall be published in accordance with this section as soon as practicable, but not later than 48 hours, after the date of issuance of the opinion.

''(B) PREVIOUSLY ISSUED OPINIONS.—In the case of OLC opinions issued before the date of enactment of the DOJ OLC Transparency Act, the Attorney General shall, subject to subparagraph (C)—

''(i) not later than 30 days after the date of enactment of the DOJ OLC Transparency Act, publish all of the OLC opinions issued during fiscal years 2020 through 2023;

''(ii) not later than 60 days after the date of enactment of the DOJ OLC Transparency Act, publish all of the OLC opinions issued during fiscal years 2000 through 2019;

''(iii) not later than 90 days after the date of enactment of the DOJ OLC Transparency Act, publish all of the OLC opinions issued during fiscal years 1980 through 1999;

''(iv) not later than 120 days after the date of enactment of the DOJ OLC Transparency Act, publish all of the OLC opinions issued during fiscal years 1960 through 1979; and

''(v) not later than 2 years after the date of enactment of the DOJ OLC Transparency Act, publish all of the OLC opinions issued before fiscal year 1960.

''(C) DESCRIPTION OF CERTAIN OPINIONS.—In the case of an OLC opinion issued by the Office of Legal Counsel of the Department before the date of enactment of the DOJ OLC Transparency Act for which the text of the OLC opinion cannot be located, the Attorney General shall—

''(i) publish a description of the OLC opinion; and

''(ii) submit a written certification to Congress, under penalty of perjury, that—

''(I) a good faith effort was made to find the text of the OLC opinion; and

''(II) the text of the OLC opinion is unavailable.

''(5) RIGHT OF ACTION.—

''(A) IN GENERAL.—On complaint brought by a complainant who has been harmed as a result of being deprived access to an OLC opinion that is required to be made available to the public free of charge on the public website of the Department under this subsection, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia, has jurisdiction to enjoin the Office of Legal Counsel from withholding information required to be made available under this subsection and to order the production of information improperly withheld from the complainant.

''(B) REVIEW.—In a case brought under subparagraph (A)—

''(i) the court—

''(I) shall determine the matter de novo; and

''(II) may examine the contents of the opinion issued by the Office of Legal Counsel in camera to determine whether such information or any part thereof shall be withheld under paragraph (3); and

''(ii) the burden is on the Office of Legal Counsel to sustain its action.''.

SA 6247. 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 end of subtitle D of title XXVIII, add the following:

SEC. 2868. ASSESSMENT OF RISKS TO DEFENSE COMMUNITIES.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2817. Defense community vulnerability assessments and exercises

''(a) PROGRAM.—The Secretary of Defense shall establish a program that ensures that, not later than one year after the date of the enactment of this section, the Secretary of each military department is able to—

''(1) conduct exercises to assess and to the degree feasible quantify the potential impact of current and projected risks to military installation resilience resulting from vulnerabilities to critical infrastructure inside and outside of the military installation, including community infrastructure not under the jurisdiction of the Secretary concerned; and

''(2) improve collaboration and information sharing of critical infrastructure vulnerabilities with stakeholders in the civilian community that are necessary to reduce the risks to military installation resilience.

''(b) VULNERABILITY ASSESSMENTS.—In carrying out the program under subsection (a), consistent with the use of military installations and State-owned installations of the National Guard to ensure the readiness of the armed forces, the Secretary of each military department shall assess current and projected vulnerabilities related to military installation infrastructure and community infrastructure that impact military installation resilience described in section 2864(c) of this title, including vulnerabilities resulting from interdependencies in the following critical infrastructure sectors:

''(1) Energy generation, distribution, and transmission systems.

''(2) Water and wastewater treatment facilities.

''(3) Telecommunications and information technology systems.

''(4) Intermodal transportation nodes, including access roads, railways and railheads, bridges, and harbor and port infrastructure.

''(5) Emergency services.

''(6) Such other critical infrastructure sectors as the Secretary concerned determines are important to ensure military installation resilience.

''(c) VULNERABILITY EXERCISES.—(1) In carrying out the program under subsection (a), each year, the Secretary of each military department shall conduct a vulnerability exercise to assess and to the degree feasible quantify the potential impact of current and projected risks to military installation resilience at not fewer than five military installations and identify information gaps necessary to improve military installation resilience planning under section 2864(c) of this title.

''(2) The Secretary of each military department shall develop and conduct exercises under paragraph (1) in coordination with the following:

''(A) The Secretary of Homeland Security, acting through the director of the Cybersecurity and Infrastructure Security Agency and the Administrator of the Federal Emergency Management Agency.

''(B) The Secretary of Energy, acting through the director of the Resilience Optimization Center of the Idaho National Laboratory.

''(C) The Assistant Secretary of the Army for Civil Works, acting through the Chief of Engineers.

''(D) Representatives of State, tribal, and local emergency management agencies and resilience agencies, including the heads of such agencies, as appropriate.

''(E) Representatives of State, tribal, and local governments with expertise, oversight, or responsibility regarding the critical infrastructure sectors described in subsection (b).

''(F) Representatives of private service providers serving critical infrastructure sectors described in subsection (b).

''(G) Representatives of non-governmental organizations and local colleges and universities with access to the planning tools to provide local-level vulnerability analysis to assess current and projected critical infrastructure vulnerabilities inside and outside of a military installation.

''(H) The heads of such other Federal or State departments or agencies as the Secretary concerned considers appropriate for conducting the exercise under paragraph (1).

''(3) Each exercise under paragraph (1) shall model and analyze interdependency vulnerabilities related to military installation infrastructure and community infrastructure using a uniform method that seeks to combine, to the extent appropriate and applicable, the following:

''(A) An all hazards analysis that models military infrastructure and community infrastructure as regionally linked systems to assess the current and projected risks and consequences of manmade and natural disasters, including the impact of extreme weather, on those systems inside and outside the military installation.

''(B) A science-based analysis that provides for enhanced modeling of current and projected infrastructure risks to military installation resilience both within the boundaries of the military installation and in localities and communities in which the military installation is located.

''(4) The Secretary of each military department shall provide to the individuals described in paragraph (2) any information, in an appropriate form, that is used to develop the exercises described in paragraph (1), including—

''(A) projections from reliable and authorized sources used for the military installation resilience component of the installation master plans of the Department of Defense under section 2864 of this title;

''(B) modeling and analytical products described in paragraph (3); and

''(C) any additional material used to inform the conduct of the exercises under paragraph (1).

''(d) REPORTS.—(1) Not later than March 1 of each year, the Secretary of each military department shall submit to the appropriate congressional committees a report on the program conducted under this section, including the assessments conducted under subsection (b) and the exercises conducted under subsection (c), during the year preceding the report.

''(2) Each report submitted under paragraph (1) shall include the following:

''(A) The name and location of each military installation with respect to which an assessment and exercise was conducted under this section in the year covered by the report, including a list of stakeholders engaged as part of each exercise under subsection (c).

''(B) The name and location of where each military department plans to conduct assessments and exercises under this section in the following year.

''(C) An analysis of what current and future risks the assessments and exercises addressed and, to the degree feasible, quantified for each military installation and what information gaps, if any, persist following the assessments and exercises.

''(D) An explanation of how the Secretary concerned will address any persistent information gaps identified under subparagraph (C).

''(E) An explanation of how the assessments under subsection (b) informed or will inform military installation resilience projects under section 2815 of this title or any other provisions of this title or resilience-related projects under section 210 of title 23.

''(F) A plan for using available authorities to mitigate vulnerabilities to military infrastructure and community infrastructure, including through actions under section 2391 of this title.

''(e) DEFINITIONS.—In this section:

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

''(A) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

''(2) The terms 'community infrastructure' and 'military installation' have the meanings given those terms in section 2391(e) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2816 the following new item:

''2817. Defense community vulnerability assessments and exercises.''.

SEC. 2869. ENHANCEMENT OF RESILIENCE OF DEFENSE COMMUNITY INFRASTRUCTURE.

Section 2391 of title 10, United States Code, is amended—

(1) in subsection (b)(5)(D)—

(A) by striking ''The Secretary of Defense'' and inserting ''(i) The Secretary of Defense''; and

(B) by adding at the end of the following new clauses:

''(ii) In the case of funds provided under clause (i) for projects involving the preservation or restoration of natural features for the purpose of maintaining or enhancing military installation resilience—

''(I) such funds—

''(aa) may be provided in a lump sum and include an amount intended to cover the future costs of the natural resource maintenance and improvement activities required for the preservation or restoration of such natural features; and

''(bb) may be placed by the recipient in an interest-bearing or other investment account; and

''(II) any interest or income shall be applied for the same purposes as the principal.

''(iii) Amounts appropriated or otherwise made available for assistance under this subparagraph shall remain available until expended.'';

(2) in subsection (d)(1)(A) by inserting ''to plan for and implement actions'' after ''to assist State and local governments''; and

(3) in subsection (e)(4)(B), by adding at the end the following new clause:

''(iv) A disaster mitigation or risk reduction project.''.

SA 6248. Ms. KLOBUCHAR (for herself 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 end of subtitle B of title VII, add the following:

SEC. 730. STUDY ON COLORECTAL CANCER SCREENINGS FOR MEMBERS OF THE ARMED FORCES EXPOSED TO OPEN BURN PITS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasibility and advisability of providing colorectal cancer screenings to covered members of the Armed Forces.

(b) CONDUCT OF STUDY.—

(1) SELECTION.—In conducting the study under subsection (a), the Secretary shall—

(A) select a group of covered members of the Armed Forces and offer those members colorectal cancer screenings, including colonoscopies, fecal occult blood tests, cologuard, and fecal immunochemical tests; and

(B) select a control sample of covered members of the Armed Forces to be provided screenings under the laws administered by the Secretary other than under this section.

(2) PARTICIPATION.—The Secretary shall permit covered members of the Armed Forces to elect to participate in the study under subsection (a) and shall cap the number of participants once the Secretary determines there is an appropriate sample size for purposes of the study.

(c) REPORT.—Not later than five years after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a).

(d) DEFINITIONS.—In this section:

(1) COVERED MEMBER OF THE ARMED FORCES.—The term ''covered member of the Armed Forces'' means a member of the Armed Forces under the age of 45 who was exposed to an open burn pit not later than the date that is five years before the date of the enactment of this Act.

(2) OPEN BURN PIT.—The term ''open burn pit'' has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

SA 6249. Mr. SCHATZ (for himself, Ms. HIRONO, 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 in title X, insert the following:

SEC. ____. RED HILL EPIDEMIOLOGICAL HEALTH OUTCOMES STUDY.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and such State and local health authorities or other partners as the Secretary of Health and Human Services considers appropriate, shall conduct an epidemiological study or studies for a period of not less than 20 years to assess health outcomes for impacted individuals of the Red Hill Incident.

(b) ADDITIONAL CONTRACTS.—The Secretary of Health and Human Services may contract with independent research institutes or consultants, nonprofit or public entities, laboratories, or medical schools, as the Secretary considers appropriate, that are not part of the Federal Government to assist with the feasibility assessment required by subsection (d) and the study or studies under subsection (a).

(c) FUNDING.—Without regard to section 2215 of title 10, United States Code, the Secretary of the Defense is authorized to provide, from amounts made available to such Secretary, no less than $4,000,000 for fiscal year 2023 for the Secretary of Health and Human Services to carry out the assessment under subsection (d), and such sums as may be necessary to complete the study or studies under subsection (a).

(d) FEASABILITY ASSESSMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate congressional committees the results of a feasibility assessment to inform the design of the epidemiological study or studies to assess health outcomes for impacted individuals and a plan for such study or studies under subsection (a), which shall include—

(1) a strategy to recruit impacted individuals to participate in the study or studies, including incentives for participation;

(2) a description of protocols and methodology to be used in the study or studies, including data management to secure the privacy and security of the personal information of impacted individuals; and

(3) the periodicity for data collection that takes into account the differences between health care practices among impacted individuals who are—

(A) members of the Armed Forces on active duty or spouses or dependents of such members;

(B) members of the Armed Forces separating from active duty or spouses or dependents of such members;

(C) veterans and other individuals with access to health care from the Department of Veterans Affairs; and

(D) individuals without access to health care from the Department of Defense or the Department of Veterans Affairs;

(4) a description of methodologies to analyze data received from the study or studies to determine possible connections between exposure to water contaminated during the Red Hill Incident and adverse impacts to the health of impacted individuals;

(5) an identification of criteria to evaluate the advisability of enlarging the study or studies to include potentially impacted individuals; and

(6) steps that will be taken to provide study participants with information on available resources and services.

(e) POTENTIALLY IMPACTED INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may enlarge the scope of the study or studies under subsection (a) to include potentially impacted individuals based on—

(A) the request of a potentially impacted individual, as applicable;

(B) the recommendation of the Secretary of Defense, the Secretary of Veterans Affairs, or any contracted party under subsection (b);

(C) the criteria identified in subsection (d)(5); or

(D) other exigent circumstances.

(2) TREATMENT OF POTENTIALLY IMPACTED INDIVIDUALS.—If, under paragraph (1), the Secretary enlarges the scope of the study or studies under subsection (a), potentially impacted individuals shall be treated as impacted individuals for purposes of this section.

(f) NOTIFICATIONS; BRIEFINGS.—

(1) IN GENERAL.—Not later than one year after the completion of the feasibility assessment under subsection (d), and annually thereafter, the Secretary of Health and Human Services shall—

(A) brief the appropriate congressional committees on the interim findings of the study or studies; and

(B) notify impacted individuals on the interim findings of the study or studies.

(2) FINAL NOTIFICATION.—Upon completion of the study or studies under subsection (a), the Secretary of Health and Human Services shall notify the appropriate congressional committees and all impacted individuals of the completion of the study or studies and the publication of the final report under subsection (g)(2).

(g) REPORTS.—

(1) ANNUAL REPORTS.—Not later than one year after the date of the commencement of the study or studies under subsection (a), and annually thereafter, the Secretary of Health and Human Services shall publish on the website of the Department of Health and Human Services a report on the interim findings of the study or studies.

(2) FINAL REPORT.—Upon completion of the study or studies under subsection (a), the Secretary of Health and Human Services—

(A) shall publish on a publicly available internet website of the Department of Health and Human Services a report on the findings of the study or studies; and

(B) may publish such report in a scientific publication.

(h) DEFINITIONS.—In this section:

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

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

(B) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(C) the Committee on Veterans' Affairs of the Senate;

(D) the Committee on Energy and Commerce of the House of Representatives;

(E) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and

(F) the Committee on Veterans' Affairs of the House of Representatives.

(2) IMPACTED INDIVIDUAL.—The term ''impacted individual'' means an individual who, at the time of the Red Hill Incident, lived or worked in a building or residence served by the community water system at Joint Base Pearl Harbor-Hickam, Oahu, Hawaii.

(3) POTENTIALLY IMPACTED INDIVIDUAL.—The term ''potentially impacted individual'' means an individual who, after the Red Hill Incident, lived or worked in a building or residence served by the community water system at Joint Base Pearl Harbor-Hickam, Oahu, Hawaii.

(4) RED HILL INCIDENT.—The term ''Red Hill Incident'' means the release of fuel from the Red Hill Bulk Fuel Storage Facility, Oahu,

Hawaii, into the sole-source basal aquifer located 100 feet below the facility, contaminating the community water system at Joint Base Pearl Harbor-Hickam on November 20, 2021.

SA 6250. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. MEDICAID FMAP FOR URBAN INDIAN HEALTH ORGANIZATIONS AND NATIVE HAWAIIAN HEALTH ORGANIZATIONS.

Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended in the third sentence—

(1) by striking ''for the 8 fiscal year quarters beginning with the first fiscal year quarter beginning after the date of the enactment of the American Rescue Plan Act of 2021,''; and

(2) by striking ''for such 8 fiscal year quarters,''.

SA 6251. 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. PAY FOR DEPARTMENT OF DEFENSE AND COAST GUARD CHILD CARE PROVIDERS: STUDIES; ADJUSTMENT.

(a) DEPARTMENT OF DEFENSE CHILD CARE EMPLOYEE COMPENSATION REVIEW.—

(1) REVIEW REQUIRED.—The Secretary of Defense shall, for each geographic area in which the Secretary of a military department operates a military child development center, conduct a study—

(A) comparing the total compensation, including all pay and benefits, of child care employees of each military child development center in the geographic area to the total compensation of similarly credentialed employees of public elementary schools in such geographic area; and

(B) estimating the difference in average pay and the difference in average benefits between such child care employees and such employees of public elementary schools.

(2) SCHEDULE.—The Secretary of Defense shall complete the studies required under paragraph (1)—

(A) for the geographic areas containing the military installations with the 25 longest wait lists for child care services at military child development centers, not later than one year after the date of the enactment of this Act; and

(B) for geographic areas other than geographic areas described in subparagraph (A), not later than two years after the date of the enactment of this Act.

(3) REPORTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Coast Guard committees a report summarizing the results of the studies required under paragraph (1) that have been completed as of the date of the submission of such report.

(B) FINAL REPORT.—Not later than 120 days after the completion of all the studies required under paragraph (1), the Secretary shall submit to the congressional defense committees and the Coast Guard committees a report summarizing the results of such studies.

(b) COAST GUARD CHILD DEVELOPMENT CENTER EMPLOYEE COMPENSATION REVIEW.—

(1) REVIEW REQUIRED.—The Secretary of Homeland Security shall, for each geographic area in which the Secretary operates a Coast Guard child development center, conduct a study—

(A) comparing the total compensation (including all pay and benefits) of child development center employees of each Coast Guard child development center in such geographic area, to the total compensation of similarly credentialed employees of public elementary schools in such geographic area; and

(B) estimating the difference in average pay and the difference in average benefits between such child development center employees and such employees of public elementary schools.

(2) SCHEDULE.—The Secretary of Homeland Security shall complete the studies required under paragraph (1)—

(A) for the geographic areas containing the Coast Guard installations with the 10 longest wait lists for child development services at Coast Guard child development centers, not later than one year after the date of the enactment of this Act; and

(B) for geographic areas other than geographic areas described in subparagraph (A), not later than two years after the date of the enactment of this Act.

(3) REPORTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Coast Guard committees and the congressional defense committees a report summarizing the results of the respective studies required under paragraph (1) that the Secretary has completed as of the date of the submission of such report.

(B) FINAL REPORT.—Not later than 120 days after the completion of all respective studies required under paragraph (1), the Secretary of Homeland Security shall submit to the Coast Guard committees and the congressional defense committees a report summarizing the results of such studies.

(c) COMPENSATION ADJUSTMENT.—

(1) IN GENERAL.—

(A) DEPARTMENT OF DEFENSE.—Not later than 90 days after the date on which the Secretary of Defense completes the study for a geographic area under subsection (a), the Secretary of each military department that operates a military child development center in such geographic area shall ensure that the dollar value of the total compensation, including the pay and benefits, of child care employees is not less than the average dollar value of the total compensation of similarly credentialed employees of public elementary schools in such geographic area.

(B) COAST GUARD.—Not later than 90 days after the date on which the Secretary of Homeland Security completes the study for a geographic area under subsection (b), the Commandant of the Coast Guard shall ensure that the dollar value of the total compensation, including the pay and benefits, of child development center employees in such geographic area is not less than the average dollar value of the total compensation of similarly credentialed employees of public elementary schools in such geographic area.

(2) ADJUSTMENT LIMIT.—No child care employee or child development center employee may have his or her pay or benefits decreased pursuant to paragraph (1).

(3) REPORTS.—

(A) DEPARTMENT OF DEFENSE.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, each Secretary of a military department shall submit to the congressional defense committees and the Coast Guard committees a report detailing the effects of changes in the total compensation under this subsection, including the effects on the hiring and retention of child care employees and on the number of children for which military child development centers provide child care services.

(B) COAST GUARD.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Commandant of the Coast Guard shall submit to the Coast Guard committees and the congressional defense committees a report detailing the effects of changes in the total compensation under this subsection, including the effects on the hiring and retention of child development center employees and on the number of children for which Coast Guard child development centers provide child development services.

(d) DEFINITIONS.—In this section:

(1) The term ''benefits'' includes—

(A) retirement benefits;

(B) any insurance premiums paid by an employer;

(C) education benefits, including tuition reimbursement and student loan repayment; and

(D) any other compensation an employer provides to an employee for service performed as an employee (other than pay), as determined appropriate by the Secretary of Defense or Secretary of Homeland Security, as applicable.

(2) The terms ''child care employee'' and ''military child development center'' have the meanings given such terms in section 1800 of title 10, United States Code.

(3) The terms ''child development center employee'' and ''Coast Guard child development center'' have the meanings given such terms in section 2921 of title 14, United States Code.

(4) The term ''Coast Guard committees'' means—

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

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) the Committees on Appropriations of the Senate and the House of Representatives.

(5) The term ''elementary school'' means a day or residential school which provides elementary education, as determined under State law.

(6) The term ''pay'' includes the basic rate of pay of an employee and any additional payments an employer pays to an employee for service performed as an employee.

SA 6252. 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 D of title XII, add the following:

SEC. 1254. CHINA NUCLEAR PEER COMMISSION.

(a) SHORT TITLE.—This section may be cited as the ''China Nuclear Peer Commission Act of 2022''.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

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

(c) ESTABLISHMENT.—There is established in the legislative branch an independent commission to be known as the China Nuclear Peer Commission (in this section referred to as the ''Commission'').

(d) PURPOSE.—The purpose of the Commission is to examine and make recommendations with respect to the proper United States diplomatic and military response to the rapid modernization, diversification, and expansion of the nuclear forces of the People's Republic of China.

(e) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 16 members, of whom—

(A) one shall be appointed by the chairperson of the Committee on Foreign Relations of the Senate;

(B) one shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(C) one shall be appointed by the chairperson of the Committee on Foreign Affairs of the House of Representatives;

(D) one shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;

(E) one shall be appointed by the chairperson of the Committee on Armed Services of the Senate;

(F) one shall be appointed by the ranking member of the Committee on Armed Services of the Senate;

(G) one shall be appointed by the chairperson of the Committee on Armed Services of the House of Representatives;

(H) one shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives;

(I) one shall be appointed by the chairperson of the Select Committee on Intelligence of the Senate;

(J) one shall be appointed by the vice chairperson of the Select Committee on Intelligence of the Senate;

(K) one shall be appointed by the chairperson of the Permanent Select Committee on Intelligence of the House of Representatives;

(L) one shall be appointed by the ranking member of the Permanent Select Committee on Intelligence of the House of Representatives;

(M) one shall be appointed by the majority leader of the Senate;

(N) one shall be appointed by the Speaker of the House of Representatives; and

(O) one shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—It is the sense of Congress that each member of the Commission should—

(A) have significant professional experience in national security and nuclear policy, such as a position in—

(i) the Department of Defense;

(ii) the Department of State;

(iii) the intelligence community;

(iv) National Nuclear Security Administration; or

(v) an academic or scholarly institution; and

(B) be eligible to receive the appropriate security clearance to effectively execute their duties.

(3) PROHIBITIONS.—A member of the Commission may not be—

(A) a current Member of Congress;

(B) a former Member of Congress who served in Congress after January 3, 2013; or

(C) a current or former registrant under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.).

(4) APPOINTMENT.—

(A) IN GENERAL.—The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(B) FAILURE TO MAKE APPOINTMENT.—If an appointment under paragraph (1) is not made by the date described in subparagraph (A)—

(i) the authority to make such appointment shall expire; and

(ii) the number of members of the Commission shall be reduced by the number equal to the number of appointments not made.

(5) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

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

(6) CO-CHAIRPERSONS.—The co-chairpersons of the Commission shall be selected by the leadership of the Senate and the House of Representatives as follows:

(A) One co-chairperson shall be selected by the majority leader of the Senate and the Speaker of the House of Representatives from the members of the Commission appointed by chairpersons of the appropriate committees of Congress, the majority leader of the Senate, and the Speaker of the House of Representatives.

(B) One co-chairperson shall be selected by the minority leader of the Senate and the minority leader of the House of Representatives from the members of the Commission appointed by the ranking members of the appropriate committees of Congress, the minority leader of the Senate, and the minority leader of the House of Representatives.

(7) MEETINGS.—

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

(B) FREQUENCY.—The Commission shall meet at the call of the co-chairpersons.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number of members may hold hearings.

(f) DUTIES.—To provide the fullest understanding of the proper United States diplomatic and military response to the rapid modernization, diversification, and expansion of the nuclear forces of the People's Republic of China, the duties of the Commission shall be the following:

(1) To review national intelligence on current and projected nuclear forces of the People's Republic of China, including a review of—

(A) the most recent information and intelligence on efforts by the People's Republic of China to modernize and expand its nuclear forces; and

(B) any intelligence community assessment of the strategic and tactical objectives behind the nuclear build-up by the People's Republic of China.

(2) To meet with relevant United States Government stakeholders to assess the efficacy of current United States efforts to support the military and diplomatic responses of allied and partner countries to the People's Republic of China's expansion its nuclear forces, which stakeholders shall include officials from—

(A) the Department of Defense;

(B) the Department of State;

(C) the Department of Energy;

(D) the Department of the Treasury;

(E) the intelligence agencies; and

(F) Congress.

(3) To meet with relevant allied and partner countries to determine the manner in which the expansion by the People's Republic of China of its nuclear forces impacts the military force posture, diplomatic engagement, and national security strategy of such countries.

(4) To meet with relevant experts associated with academic or scholarly institutions.

(5) To conduct a comprehensive assessment, informed by the review conducted under paragraph (1) and the meetings conducted under paragraph (4), of—

(A) the strategic implications of the nuclear build-up by the People's Republic of China, including threats to the national security of the United States and to allies and partners of the United States; and

(B) the motivations and domestic drivers for such nuclear build-up; and

(C) the current and future posture, structure, and capabilities of allied and partner countries with respect to the ability of such countries to deter and, if necessary, to respond to nuclear force by the People's Republic of China so as to better inform recommendations on nuclear strategy and arms control policy for the United States.

(g) COOPERATION WITH EXECUTIVE BRANCH.—

(1) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Director of National Intelligence, and any other United States Government official in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of the responsibilities of the Commission

(2) LIAISON.—The Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of National Intelligence shall each designate not fewer than one officer or employee of the Department of Defense, the Department of Energy, the Department of State, and the intelligence community, respectively, to serve as a liaison officer between the department or the intelligence community, as applicable, and the Commission.

(h) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the on which the Commission is established, the Commission shall submit to the appropriate committees of Congress a report containing the review and assessment conducted under subsection (f),

together with any recommendations of the Commission.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) An evaluation of the impact of the People's Republic of China's nuclear build-up on relevant allied and partner country military force posture, diplomatic strategy, and perceptions of United States deterrence.

(ii) An evaluation of the strategic objectives of the United States Government for nuclear competition with near-peer nuclear competitors in support of United States national security interests.

(iii) An analysis of potential negotiations with the objective of entering into bilateral or multilateral arms control agreements that are legally binding or political commitments, with the People's Republic of China, the Russian Federation, or with both the People's Republic of China and the Russian Federation, that would support United States strategic objectives.

(iv) An analysis of the domestic drivers and motivations for the People's Republic of China's nuclear force modernization and the ways in which a more robust force structure may impact the foreign policy of the People's Republic of China.

(v) An analysis of anticipated responses by the Russian Federation to the People's Republic of China's nuclear build-up, particularly as such responses relate to the bilateral relationship between the Russian Federation and the People's Republic of China, military force posture of the Russian Federation in the Indo-Pacific region, and arms control negotiations with the United States.

(2) FORM.—The report required by paragraph (1) shall be submitted to the appropriate committees of Congress in unclassified form, but may include a classified annex.

(3) PUBLIC AVAILABILITY.—The unclassified portion of the report submitted under paragraph (1) shall be made available to the public on an internet website of the Government.

(i) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, take such testimony, and receive such evidence as the Commission considers necessary to carry out its purpose and functions under this section.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—

(i) IN GENERAL.—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this section.

(ii) FURNISHING INFORMATION.—Upon receipt of a written request by the co-chairpersons of the Commission, the head of the department or agency shall expeditiously furnish the information to the Commission.

(B) SPACE FOR COMMISSION.—

(i) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Architect of the Capitol, in consultation with the Commission, shall identify suitable space to house the operations of the Commission, which shall include—

(I) a dedicated sensitive compartmented information facility or access to a sensitive compartmented information facility; and

(II) the ability to store classified documents.

(ii) AUTHORITY TO LEASE.—If the Architect of the Capitol is not able to identify space in accordance with clause (i) within the 30-day period specified in that clause, the Commission may lease space to the extent that funds are available for such purpose.

(C) COMPLIANCE BY INTELLIGENCE COMMUNITY.—Elements of the intelligence community shall respond to requests submitted pursuant to paragraphs (1) and (2) of subsection (f) in a manner consistent with the protection of intelligence sources and methods.

(3) POSTAL SERVICES.—The Commission may use the United States Postal Service in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate.

(5) ETHICS.—

(A) IN GENERAL.—The members and employees of the Commission shall be subject to the ethical rules and guidelines of the Senate.

(B) REPORTING.—For purposes of title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), each member and employee of the Commission—

(i) shall be deemed to be an officer or employee of the Congress (as defined in section 109(13) of such title); and

(ii) shall file any report required to be filed by such member or such employee (including by virtue of the application of subsection (h)(1)) under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), with the Secretary of the Senate.

(j) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the commission shall be deemed to be Federal employees.

(B) EXECUTIVE DIRECTOR.—The co-chairpersons of the Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(C) PAY.—The Executive Director, with the approval of the co-chairpersons of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(D) SECURITY CLEARANCES.—All staff must have or be eligible to receive the appropriate security clearance to conduct their duties.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee, with the appropriate security clearance to conduct their duties, may be detailed to the Commission without reimbursement and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The co-chairpersons of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(6) PAY.—The pay of each employee of the Commission and any member of the Commission who receives pay in accordance with paragraph (1) shall be disbursed by the Secretary of the Senate.

(k) FUNDING.—Of the amounts appropriated or otherwise made available pursuant to this Act to the Department of State, $7,000,000 shall be made available to fund the activities of the Commission.

(l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report required under subsection (h)(1).

SA 6253. Mr. DURBIN (for himself, Mr. ROUNDS, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mr. PADILLA, Mr. WYDEN, Mr. MURPHY, Mr. BROWN, Ms. HIRONO, 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 appropriate place, insert the following:

SEC. ___. LAWFUL PERMANENT RESIDENT STATUS FOR CERTAIN ADVANCED STEM DEGREE HOLDERS.

(a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

''(F)(i) Aliens who—

''(I) have earned a degree in a STEM field at the master's level or higher while physically present in the United States from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) accredited by an accrediting entity recognized by the Department of Education;

''(II) have an offer of employment from, or are employed by, a United States employer in a field related to such degree at a rate of pay that is higher than the median wage level for the occupational classification in the area of employment, as determined by the Secretary of Labor; and

''(III) are admissible pursuant to an approved labor certification under section 212(a)(5)(A)(i).

''(ii) In this subparagraph, the term 'STEM field' means a field of science, technology, engineering, or mathematics described in the most recent version of the Classification of Instructional Programs of the Department of Education taxonomy under the summary group of—

''(I) computer and information sciences and support services;

''(II) engineering;

''(III) mathematics and statistics;

''(IV) biological and biomedical sciences;

''(V) physical sciences;

''(VI) agriculture sciences; or

''(VII) natural resources and conservation sciences.''.

(b) PROCEDURE FOR GRANTING IMMIGRATION STATUS.—Section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) is amended—

(1) by striking ''203(b)(2)'' and all that follows through ''Attorney General''; and

(2) by inserting ''203(b)(2), 203(b)(3), or 201(b)(1)(F) may file a petition with the Secretary of Homeland Security''.

(c) DUAL INTENT FOR F NONIMMIGRANTS SEEKING ADVANCED STEM DEGREES AT UNITED STATES INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding sections 101(a)(15)(F)(i) and 214(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i), 1184(b)), an alien who is a bona fide student admitted to a program in a STEM field (as defined in subparagraph (F)(ii) of section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1))) for a degree at the master's level or higher at a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) accredited by an accrediting entity recognized by the Department of Education may obtain a student visa or extend or change nonimmigrant status to pursue such degree even if such alien intends to seek lawful permanent resident status in the United States.

SA 6254. 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. ___. DATA COLLECTION.

(a) COLLECTION OF DATA ON BRAIN INJURIES RELATED TO DOMESTIC AND SEXUAL VIOLENCE.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall collect data on the prevalence of brain injuries resulting from domestic or sexual violence in order to assist the Department in understanding, addressing, and allocating resources to prevent, reduce, and treat such injuries, the impacts of such injuries, and the causes of such injuries.

(2) COLLECTION.—In carrying out paragraph (1), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, through existing surveys on domestic or sexual violence, collect data on the prevalence and circumstances surrounding brain injuries due to domestic or sexual violence. The Secretary shall allow for data collection for not fewer than 2 years.

(3) PRIVACY.—Data shall be collected, stored, and analyzed under this section in a manner that protects individual privacy and confidentiality.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to relevant congressional committees, and post on the website of the Department of Health and Human Services, a report that shall contain—

(1) an analysis of the data collected under subsection (a) relating to the connection between domestic and sexual violence and brain injuries; and

(2) a description of the steps that the Department of Health and Human Services is taking to increase awareness, increase services, decrease prevalence, and otherwise respond to the public health issue of brain injury that results from domestic and sexual violence.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of fiscal years 2023 through 2026.

(d) DEFINITION.—In this section, the term ''brain injury'' means an injury that impacts the function of the brain as a result of trauma, choking, or strangulation due to domestic or sexual violence.

SA 6255. Ms. CORTEZ MASTO (for herself 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, add the following:

DIVISION E—FALLON RANGE TRAINING COMPLEX AND CHURCHILL COUNTY ECONOMIC DEVELOPMENT AND CONSERVATION

TITLE L—FALLON RANGE TRAINING COMPLEX

SEC. 5001. MILITARY LAND WITHDRAWAL FOR FALLON RANGE TRAINING COMPLEX.

The Military Land Withdrawals Act of 2013 (Public Law 113–66; 127 Stat. 1025) is amended by adding at the end the following:

''Subtitle G—Fallon Range Training Complex, Nevada

''SEC. 2981. WITHDRAWAL AND RESERVATION OF PUBLIC LAND.

''(a) WITHDRAWAL.—

''(1) BOMBING RANGES.—Subject to valid rights in existence on the date of enactment of this subtitle, and except as otherwise provided in this subtitle, the land established as the B–16, B–17, B–19, and B–20 Ranges, as referred to in subsection (b), and all other areas within the boundary of such land as depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022, which may become subject to the operation of the public land laws, are 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.

''(2) DIXIE VALLEY TRAINING AREA.—The land and interests in land within the boundaries established at the Dixie Valley Training Area, as referred to in subsection (b), are withdrawn from all forms of—

''(A) entry, appropriation, or disposal under the public land laws; and

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

''(b) DESCRIPTION OF LAND.—The public land and interests in land withdrawn and reserved by this section comprise approximately ⟦790,825⟧ acres of land in Churchill County, Lyon County, Mineral County, Pershing County, and Nye County, Nevada, as generally depicted as 'Proposed Withdrawal Land' and 'Existing Withdrawals' on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill', dated September 30, 2022, and filed in accordance with section 2912. The ranges in the Fallon Range Training Complex described in this subsection are identified as B–16, B–17, B–19, B–20, Dixie Valley Training Area and the Shoal Site.

''(c) PURPOSE OF WITHDRAWAL AND RESERVATION.—

''(1) BOMBING RANGES.—The land withdrawn by subsection (a)(1) is reserved for use by the Secretary of the Navy for—

''(A) aerial testing and training, bombing, missile firing, electronic warfare, tactical combat maneuvering, and air support;

''(B) ground combat tactical maneuvering and firing; and

''(C) other defense-related purposes that are—

''(i) consistent with the purposes specified in the preceding paragraphs; and

''(ii) authorized under section 2914.

''(2) DIXIE VALLEY TRAINING AREA.—The land withdrawn by subsection (a)(2) is reserved for use by the Secretary of the Navy for—

''(A) aerial testing and training, electronic warfare, tactical combat maneuvering, and air support; and

''(B) ground combat tactical maneuvering.

''(3) INAPPLICABILITY OF GENERAL PROVISIONS.—Notwithstanding section 2911(a), sections 2913 and 2914 shall not apply to the land withdrawn by subsection (a)(2).

''SEC. 2982. MANAGEMENT OF WITHDRAWN AND RESERVED LAND.

''(a) MANAGEMENT BY THE SECRETARY OF THE NAVY.—During the duration of the withdrawal under section 2981, the Secretary of the Navy shall manage the land withdrawn and reserved comprising the B–16, B–17, B–19, and B–20 Ranges for the purposes described in section 2981(c)—

''(1) in accordance with—

''(A) an integrated natural resources management plan prepared and implemented under title I of the Sikes Act (16 U.S.C. 670a et seq.) and an integrated cultural resources management plan;

''(B) a written agreement between the Secretary of the Navy and the Governor of Nevada that provides for a minimum of 15 days annually for big game hunting on portions of the B–17 Range consistent with military training requirements;

''(C) a programmatic agreement between the Secretary of the Navy and the Nevada State Historic Preservation Officer and other parties as appropriate regarding management of historic properties as the properties relate to operation, maintenance, training, and construction at the Fallon Range Training Complex;

''(D) written agreements between the Secretary of the Navy and interested Indian tribes and other stakeholders to accommodate access by Indian tribes and State and local governments to the B–16, B–17, B–19, and B–20 Ranges consistent with military training requirements and public safety, including all roads on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022, shown as an existing minor county road are available for managed access;

''(E) a mutually agreeable memorandum of understanding entered into by the Secretary of the Navy and the affected Indian tribes that provides for regular, guaranteed access, consisting of a minimum of 4 days per month, for affected Indian tribes; and

''(F) any other applicable law; and

''(2) in a manner that—

''(A) provides that any portion of the land withdrawn under section 2981(a) that is located outside of the Weapons Danger Zone, as determined by the Secretary of the Navy, shall be relinquished to the Secretary of the Interior and managed under all applicable public land laws;

''(B) ensures that the Secretary of the Navy avoids target placement and training within biologically sensitive areas as mapped in Appendix D of the Final Environmental Impact Statement;

''(C) ensures that access is provided for special events, administrative, cultural, educational, wildlife management, and emergency management purposes; and

''(D) provides that within the B–17 Range the delivery of air to ground ordinance shall be prohibited throughout the entirety of the withdrawal in the areas identified as the 'Monte Cristo Range Protection Area' on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022.

''(b) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—

''(1) IN GENERAL.—During the duration of the withdrawal under section 2981, the Secretary of the Interior shall manage the land withdrawn and reserved comprising the Dixie Valley Training Area and the Shoal Site for the applicable purposes described in section 2981(c) in accordance with—

''(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

''(B) the Record of Decision for the Fallon Range Training Complex Modernization Final Environmental Impact Statement dated March 12, 2020; and

''(C) this subtitle; and

''(D) any other applicable law.

''(2) CONSULTATION WITH SECRETARY OF THE NAVY.—Prior to authorizing any use of the land comprising the Dixie Valley Training Area or Shoal Site withdrawn and reserved by section 2981, the Secretary of the Interior shall consult with the Secretary of the Navy. Such consultation shall include—

''(A) informing the Secretary of the Navy of the pending authorization request so that the Secretary of the Navy and the Secretary of the Interior may work together to preserve the training environment; and

''(B) prior to authorizing any installation or use of mobile or stationary equipment used to transmit and receive radio signals, obtaining permission from the Secretary of the Navy to authorize the use of such equipment.

''(3) AGREEMENT.—The Secretary of the Navy and the Secretary of the Interior shall enter into an agreement describing the roles and responsibilities of each Secretary with respect to the management and use of the Dixie Valley Training Area and Shoal Site to ensure no closure of an existing county road and no restrictions or curtailment on public access for the duration of the withdrawal while preserving the training environment and honoring special rules under this subsection.

''(4) ACCESS.—The land comprising the Dixie Valley Training Area withdrawn and reserved by subsection 2981(a)(2) shall remain open for public access for the duration of the withdrawal.

''(5) AUTHORIZED USES.—The following uses are permitted in the Dixie Valley Training Area for the duration of the withdrawal:

''(A) Livestock grazing.

''(B) Geothermal exploration and development west of State Route 121, as managed by the Bureau of Land Management in coordination with the Secretary of the Navy.

''(C) Exploration and development of salable minerals or other fluid or leasable minerals, as managed by the Bureau of Land Management in coordination with the Secretary of the Navy.

''(6) INFRASTRUCTURE.—The Secretary of the Navy and the Secretary of the Interior shall allow water and utility infrastructure within the Dixie Valley Training Area withdrawn by subsection 2981(a)(2) as described in sections 2997(4) and 2997F.

''(c) LIMITATION ON USE OF LAND PRIOR TO COMPLETION OF COMMITMENTS.—

''(1) IN GENERAL.—The Secretary of the Navy may not make operational use of the expanded area of the B–16, B–17, or B–20 Ranges, as depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022, that were not subject to previous withdrawals comprising the Fallon Range Training Complex which are withdrawn and reserved by section 2981 until the Secretary of the Navy and the Secretary of the Interior certify in writing to the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate and the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives on the completion of the commitments pertaining to each range from the Record of Decision for the Fallon Range Training Complex Modernization Final Environmental Impact Statement dated March 12, 2020, and the provisions of this subtitle. The Secretary may submit reports for individual ranges to allow operational use of a specific range prior to completion of commitments related to other ranges.

''(2) PUBLIC ACCESS.—Public access to the existing Pole Line Road shall be maintained until completion of construction of an alternate route as specified by section 2995(a)(2)(B).

''(3) PAYMENT.—The Secretary of the Navy shall make a payment to Churchill County, Nevada, not later than 1 year after the date of enactment of this subtitle, of $20,000,000 of amounts authorized to be appropriated to the Secretary of the Navy for operation and maintenance, to an account designated by the Churchill County, Nevada, to resolve the loss of public access and multiple use within Churchill County, Nevada.

''SEC. 2983. ORDNANCE LANDING OUTSIDE TARGET AREAS.

''The Secretary of the Navy, in the administration of an Operational Range Clearance program, shall ensure that tracked ordnance (bombs, missiles, and rockets) known to have landed outside a target area in the B-17 and B–20 Ranges is removed within 180 days of the event. The Secretary of the Navy shall report to the Fallon Range Training Complex Intergovernmental Executive Committee, not less frequently than annually, instances in which ordnance land outside target areas and the status of efforts to clear such ordnance.

''SEC. 2984. RELATIONSHIP TO OTHER RESERVATIONS.

''(a) B–16 AND B–20 RANGES.—To the extent the withdrawal and reservation made by section 2981 for the B–16 and B–20 Ranges withdraws land currently withdrawn and reserved for use by the Bureau of Reclamation, the reservation made by such section shall be the primary reservation for public safety management actions only, and the existing Bureau of Reclamation reservation shall be the primary reservation for all other management actions. The Secretary of the Navy shall enter into an agreement with the Secretary of the Interior to ensure continued access to the B–16 and B–20 Ranges by the Bureau of Reclamation to conduct management activities consistent with the purposes for which the Bureau of Reclamation withdrawal was established.

''(b) SHOAL SITE.—The Secretary of Energy shall remain responsible and liable for the subsurface estate and all activities of the Secretary of Energy at the Shoal Site withdrawn and reserved by Public Land Order Number 2771, as amended by Public Land Order Number 2834.

''SEC. 2985. INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.

''(a) PREPARATION REQUIRED.—

''(1) PREPARATION; DEADLINE.—Within 2 years after the date of enactment of this subtitle, the Secretary of the Navy shall update the current integrated natural resources management plan for the withdrawal land.

''(2) COORDINATION.—The Secretary of the Navy shall prepare the integrated natural resources management plan in coordination with the Secretary of the Interior, the State, Churchill County, Nevada, other impacted counties in the State, and affected Indian tribes.

''(b) RESOLUTION OF CONFLICTS.—

''(1) IN GENERAL.—Any disagreement among the parties referred to in subsection (a) concerning the contents or implementation of the integrated natural resources management plan prepared under that subsection or an amendment to the management plan shall be resolved by the Secretary of the Navy, the Secretary of the Interior, and the State of Nevada, acting through—

''(A) the State Director of the Nevada State Office of the Bureau of Land Management;

''(B) the Commanding Officer of Naval Air Station Fallon, Nevada;

''(C) the State Director of the Nevada Department of Wildlife;

''(D) if appropriate, the Regional Director of the United States Fish and Wildlife Service; and

''(E) if appropriate, the Regional Director of the Bureau of Indian Affairs.

''(2) CONSULTATION.—Prior to the resolution of any conflict under paragraph (1), the Secretary of the Navy shall consult with the intergovernmental executive committee.

''(c) ELEMENTS OF PLAN.—Subject to subsection (b), the integrated natural resources management plan under subsection (a)—

''(1) shall be prepared and implemented in accordance with the Sikes Act (16 U.S.C. 670 et seq.);

''(2) shall include provisions for—

''(A) proper management and protection of the natural resources of the land; and

''(B) sustainable use by the public of such resources to the extent consistent with the military purposes for which the land is withdrawn and reserved;

''(3) shall coordinate access with the Nevada Department of Wildlife to manage hunting, fishing, and trapping on the land where compatible with the military mission;

''(4) shall provide for livestock grazing and agricultural out-leasing on the land, if appropriate—

''(A) in accordance with section 2667 of title 10, United States Code; and

''(B) at the discretion of the Secretary of the Navy;

''(5) shall identify current test and target impact areas and related buffer or safety zones on the land;

''(6) shall provide that the Secretary of the Navy—

''(A) shall take necessary actions to prevent, suppress, manage, and rehabilitate brush and range fires occurring within the boundaries of the Fallon Range Training Complex and brush and range fires occurring outside the boundaries of the Fallon Range Training Complex resulting from military activities; and

''(B) notwithstanding section 2465 of title 10, United States Code—

''(i) may obligate funds appropriated or otherwise available to the Secretary of the Navy to enter into memoranda of understanding, cooperative agreements, and contracts for fire management; and

''(ii) shall reimburse the Secretary of the Interior for costs incurred under this paragraph;

''(7) shall provide that all gates, fences, and barriers constructed after the date of enactment of this subtitle shall be designed and erected, to the maximum extent practicable and consistent with military security, safety, and sound wildlife management use, to allow wildlife access;

''(8) if determined appropriate by the Secretary of the Navy, the Secretary of the Interior, and the State of Nevada after review of any existing management plans applicable to the land, shall incorporate the existing management plans;

''(9) shall include procedures to ensure that—

''(A) the periodic reviews of the integrated natural resources management plan required by the Sikes Act (16 U.S.C. 670 et seq.) are conducted jointly by the Secretary of the Navy, the Secretary of the Interior, and the State of Nevada; and

''(B) affected counties and affected Indian Tribes and the public are provided a meaningful opportunity to comment on any substantial revisions to the plan that may be proposed pursuant to such a review; and

''(10) shall provide procedures to amend the integrated natural resources management plan as necessary.

''SEC. 2986. RELEASE OF WILDERNESS STUDY AREAS.

''(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in Churchill County, Nevada, that is administered by the Bureau of Land Management in the following areas has been adequately studied for wilderness designation:

''(1) The Stillwater Range Wilderness Study Area.

''(2) The Job Peak Wilderness Study Area.

''(3) The Clan Alpine Mountains Wilderness Study Area.

''(4) That portion of the Augusta Mountains Wilderness Study Area located in Churchill County, Nevada.

''(5) That portion of the Desatoya Mountains Wilderness Study Area located in Churchill County, Nevada.

''(6) Any portion of any other wilderness study area located in Churchill County, Nevada, that is not a wilderness area.

''(b) RELEASE.—The public land described in subsection (a)—

''(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

''(2) shall be managed in accordance with—

''(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

''(B) existing cooperative conservation agreements; and

''(3) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

''SEC. 2987. USE OF MINERAL MATERIALS.

''Notwithstanding any other provision of this subtitle or of the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.), the Secretary of the Navy may use sand, gravel, or similar mineral materials resources of the type subject to disposition under that Act from land withdrawn and reserved by this subtitle if use of such resources is required for construction needs on the land.

''SEC. 2988. TRIBAL ACCESS AGREEMENT AND CULTURAL RESOURCES SURVEY.

''(a) TRIBAL ACCESS AGREEMENT.—Not later than 120 days after the date of enactment of this subtitle, the Secretary of the Navy and the Secretary of the Interior shall enter into an agreement with each affected Indian tribe for the purpose of establishing continued, regular, and timely access to the land withdrawn and reserved by section 2981, including all land subject to previous withdrawals under section 3011(a) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 885), for the purpose of identifying cultural, religious, and archaeological resources of importance to the affected Indian tribes.

''(b) ETHNOGRAPHIC STUDY.—The Secretary of the Navy, in consultation with the State of Nevada and appropriate Tribal governments, shall conduct an ethnographic study of the expanded Fallon Range Training Complex to assess the importance of that area to Indian tribes and the religious and cultural practices of those Indian tribes.

''(c) CULTURAL RESOURCES SURVEY.—

''(1) SURVEY.—The Secretary of the Navy, after consultation with the affected Indian tribes and review of data, studies, and reports in the possession of such Indian tribes, shall conduct a cultural resources survey of the land withdrawn and reserved by section 2981 for the expanded areas of the B–16, B–17, and B–20 Ranges that were not subject to previous surveys in support of the Department of the Navy's January 2020 Final Environmental Impact Statement for the Fallon Range Training Complex modernization and previous withdrawals comprising the Fallon Range Training Complex that includes pedestrian field surveys and the inventory and identification of specific sites containing cultural, religious, and archaeologic resources of importance to the affected Indian tribes.

''(2) RESULTS.—Not later than 240 days after the date of enactment of this subtitle, the Secretary of the Navy shall provide the results of the survey conducted under paragraph (1) to the affected Indian tribes for review and comment prior to concluding survey activities.

''(3) INCLUSION IN AGREEMENT.—The agreement under subsection (a) shall include access to the specific sites identified by the survey conducted under paragraph (1) by the affected Indian Tribes, including proper disposition or protection of, and any requested access to, any identified burial sites, in accordance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

''(4) LIMITATION ON USE OF LAND PRIOR TO COMPLETION OF SURVEY.—The Secretary of the Navy may not make operational use of the expanded areas of the B–16, B–17, and B–20 Ranges that were not subject to previous withdrawals comprising the Fallon Range Training Complex are withdrawn and reserved by section 2981 until completion of the survey and potential disposition or protection of identified burial sites required by paragraph (1).

''(d) PARTICIPATION OF AFFECTED INDIAN TRIBES.—In conducting an ethnographic study or cultural resource survey under subsection (b) or (c), the Secretary of the Navy shall coordinate with, and provide for the participation of, each applicable affected Indian tribe.

''(e) AGREEMENT TO MITIGATE ADVERSE EFFECTS.—The Secretary of the Navy, the Secretary of the Interior, and the affected Indian tribes shall enter into an agreement consistent with section 306108 of title 54, United States Code, that identifies actions to avoid, minimize, or mitigate adverse effects to sites identified in subsection (c), including adverse effects from noise. Using the results of surveys conducted under subsection (c), the Navy shall, in coordination with the Tribes and to the extent practicable, avoid placing targets or other range infrastructure in culturally sensitive areas. The Navy shall avoid placement of targets in known sensitive habitat, cultural, or historic areas within the Monte Cristo Mountains.

''(f) REPORT.—Not later than 1 year after the date of enactment of this subtitle, the Secretary of the Navy and the Secretary of the Interior shall jointly submit to Congress a report describing—

''(1) the access protocols established by the agreement under subsection (a);

''(2) the results of the ethnographic study conducted under subsection (b);

''(3) the results of the cultural resource survey under subsection (c); and

''(4) actions to be taken to avoid, minimize, or mitigate adverse effects to sites on the land withdrawn and reserved by section 2981.

''SEC. 2989. RESOLUTION OF WALKER RIVER PAIUTE TRIBE CLAIMS.

''(a) PAYMENT TO THE TRIBE.—Not later than 1 year after the date of enactment of this subtitle, the Secretary of the Navy shall transfer $20,000,000 of amounts authorized to be appropriated to the Secretary of the Navy for operation and maintenance to an account designated by the Walker River Paiute Tribe (referred to in this section as the 'Tribe') to resolve the claims of the Tribe against the United States for the contamination, impairment, and loss of use of approximately 6,000 acres of land that is within the boundaries of the reservation of the Tribe.

''(b) TRIBAL TRUST LAND IMPACTS.—With respect to the land established as the B–19 Range at the Fallon Range Training Complex, the Secretary of the Navy shall ensure the target placement and use does not result in additional ordnance landing off-range onto the reservation of the Tribe.

''(c) ADDITIONAL TRUST LAND.—

''(1) ENVIRONMENTAL SITE ASSESSMENT.—Not later than 1 year after the date of enactment of this subtitle and prior to taking the land described in paragraph (4) into trust for the benefit of the Tribe under paragraph (3)(A), the Director of the Bureau of Indian Affairs (referred to in this subsection as the 'Director') shall complete an environmental site assessment to determine with respect to the land—

''(A) the likelihood of the presence of hazardous substance-related or other environmental liability; and

''(B) if the Director determines the presence of hazardous substance-related or other environmental liability is likely—

''(i) the extent of the contamination caused by such hazardous substance or other environmental liability; and

''(ii) whether that liability can be remediated by the United States.

''(2) EXERCISE OF DISCRETION BY TRIBE.—If the Director determines pursuant to the environmental site assessment completed under paragraph (1) that there is a likelihood of the presence of hazardous substance-related or other environmental liability on the land described in paragraph (4) that cannot be remediated by the United States, the Tribe may determine whether the land should be taken into trust for the benefit of the Tribe.

''(3) LAND TO BE HELD IN TRUST FOR THE TRIBE; IDENTIFICATION OF ALTERNATIVE LAND.—

''(A) IN GENERAL.—If the Tribe determines pursuant to paragraph (2) that the land described in paragraph (4) should be taken into trust for the benefit of the Tribe, subject to valid existing rights, all right, title, and interest of the United States in and to the land shall be—

''(i) held in trust by the United States for the benefit of the Tribe; and

''(ii) made part of the existing reservation of the Tribe.

''(B) IDENTIFICATION OF SUITABLE AND COMPARABLE ALTERNATIVE LAND.—If the Tribe determines pursuant to paragraph (2), due to discovered environmental issues that the land described in paragraph (4) should not be taken into trust for the benefit of the Tribe, not later than 1 year after the date on which the Tribe makes that determination, the Director and the Tribe shall enter into an agreement to identify suitable and comparable alternative land in relative distance and located in the same county as the land described in paragraph (4) to be withdrawn from Federal use and taken into trust for the benefit of the Tribe.

''(4) LAND DESCRIBED.—Subject to paragraph (5), the land to be held in trust for the benefit of the Tribe under paragraph (3)(A) is the approximately 8,170 acres of Bureau of Land Management and Bureau of Reclamation land located in Churchill and Mineral Counties, Nevada, as generally depicted on the map entitled 'Walker River Paiute Trust Lands' and dated April 19, 2022, and more particularly described as follows:

''(A) FERNLEY EAST PARCEL.—The following land in Churchill County, Nevada:

''(i) All land held by the Bureau of Reclamation in T. 20 N., R. 26 E., sec. 28, Mount Diablo Meridian.

''(ii) All land held by the Bureau of Reclamation in T. 20 N., R. 26 E., sec. 36, Mount Diablo Meridian.

''(B) WALKER LAKE PARCEL.—The following land in Mineral County, Nevada:

''(i) All land held by the Bureau of Land Management in T. 11 N., R. 29 E., secs. 35 and 36, Mount Diablo Meridian.

''(ii) All land held by the Bureau of Reclamation in T. 10 N., R. 30 E., secs. 4, 5, 6, 8, 9, 16, 17, 20, 21, 28, 29, 32, and 33, Mount Diablo Meridian.

''(iii) All land held by the Bureau of Land Management in T. 10.5 N., R. 30 E., secs. 31 and 32, Mount Diablo Meridian.

''(5) ADMINISTRATION.—

''(A) SURVEY.—Not later than 180 days after the date of enactment of this subtitle, the Secretary of the Interior (referred to in this paragraph as the 'Secretary') shall complete a survey to fully describe, and adequately define the boundaries of, the land described in paragraph (4).

''(B) LEGAL DESCRIPTION.—

''(i) IN GENERAL.—Upon completion of the survey required under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of the land described in paragraph (4).

''(ii) TECHNICAL CORRECTIONS.—Before the date of publication of the legal description under this subparagraph, the Secretary may correct any technical or clerical errors in the legal description as the Secretary determines appropriate.

''(iii) EFFECT.—Effective beginning on the date of publication of the legal description under this subparagraph, the legal description shall be considered to be the official legal description of the land to be held in trust for the benefit of the Tribe under paragraph (3)(A).

''(6) USE OF TRUST LAND.—The land taken into trust under paragraph (3)(A) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

''(d) ELIGIBILITY FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Funds paid to the Tribe pursuant to this section, including any interest or investment income earned, may not be treated as income or resources or otherwise used as the basis for denying or reducing the basis for Federal financial assistance or other Federal benefit (including under the Social Security Act (42 U.S.C. 301 et seq.)) to which the Tribe, a member of the Tribe, or a household would otherwise be entitled.

''SEC. 2990. LAND TO BE HELD IN TRUST FOR THE FALLON PAIUTE SHOSHONE TRIBE.

''(a) LAND TO BE HELD IN TRUST.—

''(1) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2) shall be—

''(A) held in trust by the United States for the benefit of the Fallon Paiute Shoshone Tribe; and

''(B) made part of the reservation of the Fallon Paiute Shoshone Tribe.

''(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 10,000 acres of land administered by the Bureau of Land Management and the Bureau of Reclamation, as generally depicted as 'Reservation Expansion Land' on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022.

''(3) SURVEY.—Not later than 180 days after the date of enactment of this subtitle, the Secretary of the Interior shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

''(4) USE OF TRUST LAND.—The land taken into trust under this section shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

''(5) COOPERATIVE AGREEMENT.—On request by the Fallon Paiute Shoshone Tribe, the Secretary of the Interior shall enter into a cooperative agreement with the Fallon Paiute Shoshone Tribe to provide assistance in the management of the land taken into trust under this section for cultural protection and conservation management purposes.

''SEC. 2991. NUMU NEWE CULTURAL HERITAGE AREA.

''(a) DEFINITIONS.—In this section:

''(1) CULTURAL HERITAGE AREA.—The term 'Cultural Heritage Area' means the Numu Newe Cultural Heritage Area established by subsection (b).

''(2) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the Cultural Heritage Area developed under subsection (d).

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

''(4) TRIBAL COMMISSION.—The term 'Tribal Commission' means the Tribal commission established under subsection (e).

''(b) ESTABLISHMENT.—To protect, conserve, and enhance the unique and nationally important historic, cultural, archaeological, natural, and educational resources of the Numu Newe traditional homeland, there is established in Churchill and Mineral Counties, Nevada, the Numu Newe Cultural Heritage Area.

''(c) AREA INCLUDED.—The Cultural Heritage Area shall consist of the approximately 217,845 acres of public land in Churchill and Mineral Counties, Nevada, administered by the Bureau of Land Management, as depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022.

''(d) MANAGEMENT PLAN.—

''(1) IN GENERAL.—Not later than 360 days after the date of enactment of this subtitle, the Secretary shall develop a comprehensive plan for the long-term management of the Cultural Heritage Area.

''(2) CONSULTATION.—In developing the management plan, the Secretary shall consult with—

''(A) appropriate entities of the Federal Government and State and local governments;

''(B) members of the public; and

''(C) the Tribal Commission.

''(3) TRIBAL COMMISSION EXPERTISE.—In developing the management plan, the Secretary shall—

''(A) meet at least semiannually with the Tribal Commission; and

''(B) to the maximum extent practicable, carefully and fully integrate the management recommendations of the Tribal Commission.

''(4) REQUIREMENTS.—The management plan shall—

''(A) describe the appropriate uses of the Cultural Heritage Area;

''(B) authorize the appropriate use of motor vehicles in the Cultural Heritage Area, including for the maintenance of existing roads;

''(C) incorporate any provision of an applicable land and resource management plan that the Secretary considers to be appropriate;

''(D) protect, preserve, maintain, and administer the land within the Cultural Heritage Area to ensure, to the maximum extent practicable, the protection of traditional cultural and religious sites within the Cultural Heritage Area;

''(E) to the maximum extent practicable, carefully and fully integrate the traditional and historical knowledge and special expertise of the Fallon Paiute Shoshone Tribe;

''(F) ensure public access to Federal land within the Cultural Heritage Area for hunting, fishing, and other recreational purposes;

''(G) not affect the allocation, ownership, interest, or control, as in existence on the date of enactment of this subtitle, of any water, water right, or any other valid existing right;

''(H) provide for a cooperative agreement with the Tribal Commission, including for co-management purposes, to address the historical, archeological, and cultural values of the Cultural Heritage Area;

''(I) describe methods for coordination between the Cultural Heritage Area and the Numu Newe National Conservation Area, the Clan Alpine Wilderness, the Desatoya Mountains Wilderness, and the Cain Mountain Wilderness; and

''(J) be reviewed not less frequently than annually by the Secretary to ensure the management plan is meeting the requirements of this section.

''(e) TRIBAL COMMISSION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Secretary shall establish a Tribal Commission consisting of representatives of affected Indian Tribes, to be appointed by the Secretary, to provide management recommendations to the Secretary with respect to the Cultural Heritage Area.

''(2) LIMITATION.—The Tribal Commission shall include not more than 1 representative from each affected Indian Tribe.

''(3) SECRETARIAL SUPPORT.—The Secretary may provide administrative and staff support to the Tribal Commission.

''(4) INFORMATION.—The Secretary shall ensure that the Tribal Commission has the information necessary to make informed recommendations.

''SEC. 2992. NUMU NEWE CULTURAL CENTER.

''(a) IN GENERAL.—The Secretary of the Navy shall use amounts made available to carry out this section to provide financial assistance to a cultural center established and operated by the Fallon Paiute Shoshone Tribe and located on the Reservation of the Fallon Paiute Shoshone Tribe, the purpose of

which is to help sustain Numu Newe knowledge, culture, language, and identity associated with aboriginal land and traditional ways of life for the Fallon Paiute Shoshone Tribe (referred to in this section as the 'Center').

''(b) STUDIES AND INVENTORIES.—The Center shall integrate information developed in the cultural resources inventories and ethnographic studies carried out under section 2988.

''(c) GENERAL FUND.—Of amounts made available to carry out this section, the Secretary of the Navy shall, subject to the availability of appropriations, transfer to a general fund operated by the Tribal Commission established under section 2991(e)—

''(1) $10,000,000 for the development and construction of the Center; and

''(2) $10,000,000 to endow operations of the Center.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Navy to carry out this section $20,000,000.

''SEC. 2993. NATIONAL CONSERVATION AREAS.

''(a) NUMU NEWE NATIONAL CONSERVATION AREA.—

''(1) PURPOSE.—The purpose of this subsection is to establish the Numu Newe National Conservation Area in the State of Nevada to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, archaeological, natural, wilderness, scientific, geological, historical, biological, wildlife, educational, recreational, and scenic resources of the Conservation Area.

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

''(A) CONSERVATION AREA.—The term 'Conservation Area' means the Numu Newe National Conservation Area established by paragraph (3).

''(B) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the Conservation Area developed under paragraph (4)(B).

''(3) ESTABLISHMENT.—

''(A) IN GENERAL.—For the purpose described in paragraph (1), there is established the Numu Newe National Conservation Area in the State of Nevada.

''(B) AREA INCLUDED.—The Conservation Area shall consist of approximately 160,224 acres of public land in Churchill County, Nevada, as generally depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022.

''(C) MAPS AND LEGAL DESCRIPTIONS.—

''(i) IN GENERAL.—As soon as practicable after the date of enactment of this subtitle, the Secretary of the Interior shall submit to Congress a map and legal description of the Conservation Area.

''(ii) EFFECT.—The map and legal descriptions submitted under clause (i) shall have the same force and effect as if included in this subtitle, except that the Secretary of the Interior may correct minor errors in the map and legal description.

''(iii) PUBLIC AVAILABILITY.—A copy of the map and legal description submitted under clause (i) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

''(4) MANAGEMENT.—

''(A) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area—

''(i) in a manner that conserves, protects, and enhances the resources of the Conservation Area, including—

''(I) the management of wildfire, invasive species, and wildlife; and

''(II) wildfire restoration;

''(ii) in accordance with—

''(I) this subsection;

''(II) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

''(III) any other applicable law; and

''(iii) as a component of the National Landscape Conservation System.

''(B) MANAGEMENT PLAN.—

''(i) IN GENERAL.—Not later than 3 years after the date of enactment of this subtitle and in accordance with clause (ii), the Secretary of the Interior shall develop a comprehensive plan for the long-term management of the Conservation Area.

''(ii) CONSULTATION.—In developing the management plan required by clause (i), the Secretary of the Interior shall consult with—

''(I) appropriate Federal, State, Tribal, and local governmental entities (including the Tribal Commission established by section 2991(e)); and

''(II) members of the public.

''(iii) REQUIREMENTS.—The management plan shall—

''(I) describe the appropriate uses of the Conservation Area;

''(II) authorize the appropriate use of motor vehicles in the Conservation Area, including the maintenance of existing roads; and

''(III) incorporate any provision of an applicable land and resource management plan that the Secretary of the Interior considers to be appropriate.

''(5) USES.—The Secretary of the Interior shall allow only uses of the Conservation Area that the Secretary of the Interior determines would further the purpose described in paragraph (1).

''(6) MOTORIZED VEHICLES.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Conservation Area shall be permitted only on roads and trails designated for the use of motorized vehicles by the management plan.

''(7) WITHDRAWAL.—

''(A) IN GENERAL.—Subject to valid existing rights, all public land in the Conservation Area is withdrawn from—

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

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

''(iii) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

''(B) ADDITIONAL LAND.—Notwithstanding any other provision of law, if the Secretary of the Interior acquires mineral or other interests in a parcel of land within the Conservation Area after the date of enactment of this subtitle, the parcel is withdrawn from operation of the laws referred to in subparagraph (A) on the date of acquisition of the parcel.

''(8) HUNTING, FISHING, AND TRAPPING.—

''(A) IN GENERAL.—Subject to subparagraph (B), nothing in this subsection affects the jurisdiction of the State of Nevada with respect to fish and wildlife, including hunting, fishing, and trapping in the Conservation Area.

''(B) LIMITATIONS.—

''(i) REGULATIONS.—The Secretary of the Interior may designate by regulation areas in which, and establish periods during which, no hunting, fishing, or trapping will be permitted in the Conservation Area, for reasons of public safety, administration, or compliance with applicable laws.

''(ii) CONSULTATION REQUIRED.—Except in the case of an emergency, before promulgating regulations under clause (i) that close a portion of the Conservation Area to hunting, fishing, or trapping, the Secretary of the Interior shall consult with the appropriate State agency.

''(9) GRAZING.—In the case of land included in the Conservation Area on which the Secretary of the Interior permitted, as of the date of enactment of this subtitle, livestock grazing, the livestock grazing shall be allowed to continue, subject to applicable laws (including regulations) and Executive orders.

''(10) NO BUFFER ZONES.—

''(A) IN GENERAL.—The establishment of the Conservation Area shall not create an express or implied protective perimeter or buffer zone around the Conservation Area.

''(B) PRIVATE LAND.—If the use of, or conduct of, an activity on private land that shares a boundary with the Conservation Area is consistent with applicable law, nothing in this subsection prohibits or limits the use or conduct of the activity.

''(11) VISITOR SERVICE FACILITIES.—The Secretary of the Interior, in consultation with the State of Nevada and Indian tribes that the Secretary of the Interior determines to be appropriate, may establish visitor service facilities for the purpose of providing information about the historical, cultural, archaeological, ecological, recreational, geologic, scientific, and other resources of the Conservation Area.

''(b) PISTONE-BLACK MOUNTAIN NATIONAL CONSERVATION AREA.—

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

''(A) CONSERVATION AREA.—The term 'Conservation Area' means the Pistone-Black Mountain National Conservation Area established by paragraph (2)(A).

''(B) TRIBE.—The term 'Tribe' means the Walker River Paiute Tribe.

''(2) ESTABLISHMENT.—

''(A) IN GENERAL.—To protect, conserve, and enhance the unique and nationally important historic, cultural, archaeological, natural, and educational resources of the Pistone Site on Black Mountain, there is established in Mineral County, Nevada, the Pistone-Black Mountain National Conservation Area.

''(B) AREA INCLUDED.—

''(i) IN GENERAL.—The Conservation Area shall consist of the approximately 3,415 acres of public land in Mineral County, Nevada, administered by the Bureau of Land Management, as depicted on the map entitled 'Black Mountain/Pistone Archaeological District' and dated May 12, 2020.

''(ii) AVAILABILITY OF MAP.—The map described in clause (i) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

''(C) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—

''(i) IN GENERAL.—As soon as practicable after the date of enactment of this subtitle, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall submit to Congress a map and legal description of the Conservation Area.

''(ii) EFFECT.—The map and legal description of the Conservation Area submitted under clause (i) shall have the same force and effect as if included in this subtitle, except that the Secretary of the Interior may correct any minor errors in the map and legal description.

''(iii) PUBLIC AVAILABILITY.—The map and legal description of the Conservation Area submitted under clause (i) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

''(3) MANAGEMENT.—

''(A) IN GENERAL.—The Secretary of the Interior shall manage the Conservation Area—

''(i) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in paragraph (2)(A);

''(ii) in accordance with—

''(I) this subsection;

''(II) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

''(III) any other applicable law; and

''(iii) as a component of the National Landscape Conservation System.

''(B) USES.—The Secretary of the Interior shall allow any use of the Conservation Area—

''(i) that is consistent with the protection of the historic, cultural, and archeological resources of the Conservation Area; or

''(ii) that is for the continued enjoyment by the Tribe of a cultural use of the Conservation Area.

''(C) REQUIREMENTS.—In administering the Conservation Area, the Secretary of the Interior shall provide for—

''(i) access to and use of cultural resources by the Tribe at the Conservation Area;

''(ii) the protection of the cultural resources and burial sites of the Tribe located in the Conservation Area from disturbance; and

''(iii) cooperative management with the Tribe with respect to the management of the Conservation Area.

''(D) COOPERATIVE AGREEMENTS.—The Secretary of the Interior may, in a manner consistent with this subsection, enter into cooperative agreements with the State of Nevada, other Indian tribes, and other institutions and organizations to carry out the purposes of this subsection, subject to the requirement that the Tribe shall be a party to any cooperative agreement entered into under this subparagraph.

''(E) VISITOR SERVICE FACILITIES.—The Secretary of the Interior, in consultation with the State of Nevada and the Tribe, may establish visitor service facilities for the purpose of providing information about the historical, cultural, archaeological, ecological, recreational, geologic, scientific, and other resources of the Conservation Area.

''(4) MANAGEMENT PLAN.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subtitle, the Secretary of the Interior shall develop a management plan for the Conservation Area.

''(B) CONSULTATION.—In developing the management plan required under subparagraph (A), the Secretary of the Interior shall consult with—

''(i) appropriate State, Tribal, and local governmental entities; and

''(ii) members of the public.

''(C) REQUIREMENTS.—The management plan shall—

''(i) describe the appropriate uses and management of the Conservation Area;

''(ii) incorporate, as appropriate, decisions contained in any other management or activity plan for the land in or adjacent to the Conservation Area;

''(iii) take into consideration any information developed in studies of the land and resources in or adjacent to the Conservation Area;

''(iv) take into consideration the historical and continued cultural and archeological importance of the Conservation Area to the Tribe; and

''(v) provide for a cooperative agreement with the Tribe, including for co-management purposes, to address the historical, archeological, and cultural values of the Conservation Area.

''(5) WITHDRAWAL.—Subject to valid existing rights, any Federal surface and subsurface land within the Conservation Area or any land (including any interest in land) that is acquired by the United States after the date of enactment of this subtitle for inclusion in the Conservation Area is withdrawn from—

''(A) all forms of entry, appropriation, or disposal under the general land laws;

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

''(C) operation under the mineral leasing and geothermal leasing laws.

''(6) EFFECT ON WATER RIGHTS.—Nothing in this subsection constitutes an express or implied reservation of any water rights with respect to the Conservation Area.

''SEC. 2994. WILDERNESS AREAS IN CHURCHILL COUNTY, NEVADA.

''(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Interior should collaborate with the State of Nevada and the Churchill County commission on wildfire and rangeland management, planning, and implementation, with the goal of preventing catastrophic wildfire and resource damage.

''(b) DEFINITION OF WILDERNESS AREA.—In this section, the term 'wilderness area' means a wilderness area designated by subsection (c)(1).

''(c) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

''(1) ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following parcels of Federal land in Churchill County, Nevada, are designated as wilderness and as components of the National Wilderness Preservation System:

''(A) CLAN ALPINE MOUNTAINS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 128,362 acres, as generally depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022, which shall be known as the 'Clan Alpine Mountains Wilderness'.

''(B) DESATOYA MOUNTAINS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32,537 acres, as generally depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022, which shall be known as the 'Desatoya Mountains Wilderness'.

''(C) CAIN MOUNTAIN WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 7,664 acres, as generally depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022, which shall be known as the 'Cain Mountain Wilderness'.

''(2) BOUNDARY.—The boundary of any portion of a wilderness area that is bordered by a road shall be at least 150 feet from the edge of the road to allow public access.

''(3) MAP AND LEGAL DESCRIPTION.—

''(A) IN GENERAL.—As soon as practicable after the date of enactment of this subtitle, the Secretary of the Interior shall file a map and legal description of each wilderness area with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

''(B) EFFECT.—Each map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary of the Interior may correct clerical and typographical errors in the map or legal description.

''(C) AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in—

''(i) the Office of the Director of the Bureau of Land Management;

''(ii) the Office of the Nevada State Director of the Bureau of Land Management;

''(iii) the Carson City Field Office of the Bureau of Land Management; and

''(iv) the Fallon Field Station of the Bureau of Land Management.

''(4) WITHDRAWAL.—Subject to valid existing rights, each wilderness area is withdrawn from—

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

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

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

''(d) MANAGEMENT.—Subject to valid existing rights, each wilderness area shall be administered by the Secretary of the Interior, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

''(1) 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 subtitle; and

''(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

''(e) LIVESTOCK.—The grazing of livestock in a wilderness area administered by the Bureau of Land Management, if established as of the date of enactment of this subtitle, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers necessary, in accordance with—

''(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

''(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405).

''(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of a wilderness area that is acquired by the United States after the date of enactment of this subtitle shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

''(g) WATER RIGHTS.—

''(1) FINDINGS.—Congress finds that—

''(A) the wilderness areas—

''(i) are located in the semiarid region of the Great Basin region; and

''(ii) include ephemeral and perennial streams;

''(B) the hydrology of the wilderness areas is predominantly characterized by complex flow patterns and alluvial fans with impermanent channels;

''(C) the subsurface hydrogeology of the region in which the wilderness areas are located is characterized by—

''(i) groundwater subject to local and regional flow gradients; and

''(ii) unconfined and artesian conditions;

''(D) the wilderness areas are generally not suitable for use or development of new water resource facilities; and

''(E) because of the unique nature and hydrology of the desert land in the wilderness areas, it is possible to provide for proper management and protection of the wilderness areas and other values of land in ways different from those used in other laws.

''(2) STATUTORY CONSTRUCTION.—Nothing in this section—

''(A) constitutes an express or implied reservation by the United States of any water or water rights with respect to the wilderness areas;

''(B) affects any water rights in the State of Nevada (including any water rights held by the United States) in existence on the date of enactment of this subtitle;

''(C) establishes a precedent with regard to any future wilderness designations;

''(D) affects the interpretation of, or any designation made under, any other Act; or

''(E) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State of Nevada and other States.

''(3) NEVADA WATER LAW.—The Secretary of the Interior shall follow the procedural and substantive requirements of Nevada State law in order to obtain and hold any water rights not in existence on the date of enactment of this subtitle with respect to the wilderness areas.

''(4) NEW PROJECTS.—

''(A) DEFINITION OF WATER RESOURCE FACILITY.—

''(i) IN GENERAL.—In this paragraph, the term 'water resource facility' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

''(ii) EXCLUSION.—In this paragraph, the term 'water resource facility' does not include wildlife guzzlers.

''(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this subtitle, on and after the date of enactment of this subtitle, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within a wilderness area.

''(h) WILDFIRE MANAGEMENT.—In accordance with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this section precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) to manage wildfires in a wilderness area.

''(i) DATA COLLECTION.—Subject to such terms and conditions as the Secretary of the Interior may prescribe, nothing in this section precludes the installation and maintenance of hydrologic, meteorological, or climatological collection devices in a wilderness area, if the Secretary of the Interior determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

''SEC. 2995. ROAD RECONSTRUCTION AND TREATMENT OF EXISTING ROADS AND RIGHTS-OF-WAY.

''(a) ROAD RECONSTRUCTION.—The Secretary of the Navy shall be responsible for the timely—

''(1) reconstruction of—

''(A) Lone Tree Road leading to the B–16 Range; and

''(B) State Highway 361; and

''(2) relocation of—

''(A) Sand Canyon/Red Mountain Roads, consistent with alternative 2A, as described in the Final FRTC Road Realignment Study dated March 14, 2022;

''(B) Pole Line Road, consistent with alternative 3B, as described in the Final FRTC Road Realignment Study dated March 14, 2022.

''(b) EXISTING ROADS AND RIGHTS-OF-WAY.—The withdrawal and reservation of land made by section 2981 shall not be construed to affect the following roads and associated rights-of-way:

''(1) United States Highways 50 and 95.

''(2) State Routes 121 and 839.

''(3) The Churchill County, Nevada, roads identified as Simpson Road, East County Road, Earthquake Fault Road, and Fairview Peak Road.

''(c) NEW RIGHTS-OF-WAY.—The Secretary of the Navy, in coordination with the Secretary of the Interior, shall be responsible for the timely grant of new rights-of-way for Sand Canyon/Red Mountain Road, Pole Line Road, and East County Road to the appropriate County.

''(d) I-11 CORRIDORS.—The Secretary of the Interior shall manage the land located within the 'Churchill County Preferred I-11 Corridor' and 'NDOT I-11 Corridor' as depicted on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022, in accordance with this section.

''(e) PUBLIC AVAILABILITY OF MAP.—A copy of the map described in section 2981(b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

''(f) WITHDRAWAL OF LAND.—Any valid rights in existence on the date of enactment of this subtitle, the land located within the corridors described in [_____] is withdrawn from—

''(1) location and entry under the mining laws; and

''(2) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

''(g) TERMINATION OF WITHDRAWAL.—A withdrawal under subsection (f) shall terminate on the date on which—

''(1) the Secretary of the Interior, in coordination with Churchill County, Nevada, terminates the withdrawal; or

''(2) the applicable corridor or land is patented.

''(h) RS 2477 CLAIMS.—The withdrawal and reservation of land by section 2981 shall not be construed to obstruct or interfere with the ability of Churchill County, Nevada, to seek adjudication of claims concerning existing county roads under section 2477 of the Revised Statutes (43 U.S.C. 932), as in effect prior to being repealed by section 706(a) of the Federal Land Policy and Management Act of 1976 (Public Law 94–579; 90 Stat. 2793).

''(i) ACCESS.—Roads shown on the map described in section 2981(b) as an existing minor county road shall be available for managed access consistent with the purposes of the withdrawal.

''(j) TREATMENT OF THE WESTSIDE ENERGY CORRIDOR.—

''(1) IN GENERAL.—Nothing in section 2981 shall be construed to restrict the development of high voltage electrical power utility lines within the portion of the designated Westside Energy Corridor that is located outside of the B–16 Range.

''(2) TRANSMISSION LINE.—The Secretary of the Navy shall allow 1 transmission line within that portion of the designated Westside Energy Corridor that is located within the B–16 Range nearest the existing transmission line adjacent to the western boundary of the B–16 Range.

''(3) FUTURE TRANSMISSION LINE.—If the Secretary of the Navy and the Secretary of the Interior determine that additional transmission lines cannot be accommodated outside of the B–16 Range, to the extent practicable, the Secretary of the Navy shall allow the construction of a new transmission line as close as practicable to the existing transmission line.

''SEC. 2996. SAGE GROUSE STUDY.

''(a) IN GENERAL.—The Secretary of the Navy, in consultation with the State of Nevada, shall conduct a study to further assess greater sage grouse reactions to military overflights.

''(b) DETERMINATION.—If the Secretary of the Navy determines under the study under subsection (a) that greater sage grouse in the area impacted by the modernization are impacted by aircraft overflights, the Secretary of the Navy shall implement mitigations and adaptive management activities, in coordination with the State of Nevada and the United States Fish and Wildlife Service, before operational use of the air space by the Armed Forces over the land of the impacted habitat.

''SEC. 2997. TREATMENT OF LIVESTOCK GRAZING PERMITS.

''(a) IN GENERAL.—The Secretary of the Navy shall notify holders of grazing allotments impacted by the withdrawal and reservation of land under section 2981 and, if practicable, assist the holders of the grazing allotments in obtaining replacement forage.

''(b) REVISIONS TO ALLOTMENT PLANS.—The Secretary of the Navy shall reimburse the Bureau of Land Management for grazing program-related administrative costs reasonably incurred by the Bureau of Land Management due to the withdrawal and reservation of land under section 2981.

''(c) ALTERNATIVE TO REPLACEMENT FORAGE.—If replacement forage cannot be identified under subsection (a), the Secretary of the Navy shall make full and complete payments to Federal grazing permit holders for all losses suffered by the permit holders as a result of the withdrawal or other use of former Federal grazing land for national defense purposes pursuant to the Act of June 28, 1934 (commonly known as the 'Taylor Grazing Act') (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.).

''(d) NOTIFICATION AND PAYMENT.—The Secretary of the Navy shall—

''(1) notify, by certified mail, holders of grazing allotments that are terminated; and

''(2) compensate the holders of grazing allotments described in paragraph (1) for authorized permanent improvements associated with the allotments.

''(e) PAYMENT.—For purposes of calculating and making a payment to a Federal grazing permit holder under this section (including the conduct of any appraisals required to calculate the amount of the payment)—

''(1) the Secretary of the Navy shall consider the permanent loss of the applicable Federal grazing permit; and

''(2) the amount of the payment shall not be limited to the remaining term of the existing Federal grazing permit.

''SEC. 2998. TRANSFER OF LAND UNDER THE ADMINISTRATIVE JURISDICTION OF THE DEPARTMENT OF THE NAVY.

''(a) TRANSFER REQUIRED.—Subject to subsection (b), the Secretary of the Navy shall transfer to the Secretary of the Interior, at no cost, administrative jurisdiction of the approximately 86 acres of a noncontiguous parcel of land acquired by the Department of the Navy in Churchill County, Nevada, for inclusion in the Sand Mountain Recreation Area.

''(b) CERTIFICATION WITH RESPECT TO ENVIRONMENTAL HAZARDS.—Prior to conveying land under subsection (a), the Secretary of the Navy shall certify that the land to be conveyed under that subsection is free from environmental hazards.

''SEC. 2999. REDUCTION OF IMPACT OF FALLON RANGE TRAINING COMPLEX MODERNIZATION.

''Consistent with the Department of the Navy's March 12, 2020, Record of Decision, the Secretary of the Navy shall carry out the following additional mitigations and other measures set not otherwise included in other sections of this Act to reduce the impact of the modernization of the Fallon Range Training Complex by the Secretary of the Navy on the land and local community:

''(1) Develop Memoranda of Agreement or other binding protocols, in coordination with agencies, affected Indian tribes, and other stakeholders, for—

''(A) management of that portion of Bureau of Reclamation infrastructure in the B–16 and B–20 Ranges that will be closed to

public access but will continue to be managed for flood control; and

''(B) access for research, resource management, and other activities within the B–16, B–17, B–19, and B–20 Ranges.

''(2) Establish wildlife-friendly fencing to restrict access to the smallest possible area necessary to ensure public safety.

''(3)(A) Purchase the impacted portion of the Paiute Pipeline within the B–17 Range.

''(B) Relocate the pipeline acquired under subparagraph (A) to a location south of the B–17 Range.

''(4) Accommodate permitting and construction of additional utility and infrastructure projects within 3 corridors running parallel to the existing north-south power line in proximity to Nevada Route 121, existing east-west power line north of Highway 50, and the area immediately north of Highway 50 as shown on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022, subject to the requirement that any project authorized under this paragraph shall complete appropriate Federal and State permitting requirements prior to the accommodation under this paragraph.

''(5)(A) Notify holders of mining claims impacted by the modernization by certified mail.

''(B) Make payments to the holders of mining claims described in subparagraph (A).

''(6) Allow a right-of-way to accommodate I-11 (which could also include a transmission line) if a route is chosen by Churchill County, Nevada, or the State of Nevada that overlaps the northeast corner of the withdrawal area for the B–16 Range.

''(7) Revise the applicable range operations manual—

''(A) to include Crescent Valley and Eureka as noise-sensitive areas; and

''(B) to implement a 5-nautical-mile buffer around the towns of Crescent Valley and Eureka.

''(8) Implement a 3-nautical-mile airspace exclusion zone over the Gabbs, Eureka, and Crescent Valley airports.

''(9) Extend the Visual Flight Rules airspace corridor through the newly established Military Operations Areas on the east side of the Dixie Valley Training Area.

''(10) Notify affected water rights holders by certified mail and, if water rights are adversely affected by the modernization and cannot be otherwise mitigated, acquire existing and valid State water rights.

''(11) Allow Nevada Department of Wildlife access for spring and wildlife guzzler monitoring and maintenance.

''(12) Implement management practices and mitigation measures specifically designed to reduce or avoid potential impacts on surface water and groundwater, such as placing targets outside of washes.

''(13) Develop, implement, and compensate the State of Nevada for a wildland fire management plan to ensure fire management, control, and restoration activities are addressed, as appropriate, for the entire expanded range complex.

''(14) To the maximum extent practicable and if compatible with mission training requirements, avoid placing targets in biologically sensitive areas identified by the Nevada Department of Wildlife.

''(15) In coordination with the Nevada Department of Wildlife, use wildlife-friendly configured four-wire fencing to minimize impacts on wildlife from fencing.

''(16) Fund 2 conservation law enforcement officer positions at Naval Air Station Fallon.

''(17) Post signs warning the public of any contamination, harm, or risk associated with entry into the withdrawal land.

''(18) Enter into an agreement for compensation from the Secretary of the Navy to Churchill County and the counties of Lyon, Nye, Mineral, and Pershing in the State of Nevada to offset any reductions made in payments in lieu of taxes.

''(19)(A) Provide for purchase by the Secretary of the Navy of the portion of the Paiute pipeline impacted by the modernization.

''(B) Pay for relocation of the existing Paiute pipeline south of the proposed B–17 range on the Fallon Range Training Complex.

''SEC. 2999A. EXPANSION OF INTERGOVERNMENTAL EXECUTIVE COMMITTEE ON JOINT USE BY DEPARTMENT OF THE NAVY AND DEPARTMENT OF THE INTERIOR OF FALLON RANGE TRAINING COMPLEX.

''The Secretary of the Navy and the Secretary of the Interior shall expand the membership of the intergovernmental executive committee relating to the management of the natural and cultural resources of the withdrawal land to include representatives of Eureka County, Nevada, the Nevada Department of Agriculture, and the Nevada Division of Minerals.

''SEC. 2999B. CONVEYANCES AND EXCHANGES.

''(a) DEFINITIONS.—In this section:

''(1) CITY.—The term 'City' means the city of Fallon, Nevada.

''(2) PUBLIC PURPOSE.—The term 'public purpose' includes any of the following:

''(A) The construction and operation of a new fire station for Churchill County, Nevada.

''(B) The operation or expansion of an existing wastewater treatment facility for Churchill County, Nevada.

''(C) The operation or expansion of existing gravel pits and rock quarries of Churchill County, Nevada.

''(D) The operation or expansion of an existing City landfill.

''(b) CONVEYANCE REQUIRED FOR PUBLIC PURPOSES.—

''(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary of the Interior shall convey, subject to valid existing rights and paragraph (2), for no consideration, all right, title, and interest of the United States in approximately 6,892 acres of Federal land to Churchill County, Nevada, and 212 acres of land to the City identified as 'Public Purpose Conveyances to Churchill County and City of Fallon' on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill ' and dated September 30, 2022.

''(2) USE.—Churchill County, Nevada, and the City shall use the Federal land conveyed under paragraph (1) for public purposes and the construction and operation of public recreational facilities.

''(3) EFFECT OF LACK OF USE OF LAND.—If a parcel of Federal land conveyed to Churchill County, Nevada, under paragraph (1) ceases to be used for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the 'Recreation and Public Purposes Act'; 43 U.S.C. 869 et seq.), the parcel of Federal land shall, at the discretion of the Secretary of the Interior, revert to the United States.

''(c) EXCHANGE.—The Secretary of the Interior shall seek to enter into an agreement for an acre-for-acre exchange with Churchill County, Nevada, for all Churchill County, Nevada, land within the Fallon National Wildlife Refuge and the B–20 Range at the Fallon Range Training Complex in exchange for Department of the Interior land designated as exchange acreage on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated September 30, 2022.

''SEC. 2999C. CHECKERBOARD RESOLUTION.

''(a) IN GENERAL.—The Secretary of the Interior, in consultation with Churchill County, Nevada, and landowners in Churchill County, Nevada, and after providing an opportunity for public comment, shall seek to consolidate Federal land and non-Federal land ownership in Churchill County, Nevada.

''(b) LAND EXCHANGES.—

''(1) LAND EXCHANGE AUTHORITY.—To the extent practicable, the Secretary of the Interior shall offer to exchange land identified for exchange under paragraph (3) for private land in Churchill County, Nevada, that is adjacent to Federal land in Churchill County, Nevada, if the exchange would consolidate land ownership and facilitate improved land management in Churchill County, Nevada, as determined by the Secretary of the Interior.

''(2) APPLICABLE LAW.—Except as otherwise provided in this section, a land exchange under this section shall be conducted in accordance with—

''(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

''(B) any other applicable law.

''(3) IDENTIFICATION OF FEDERAL LAND FOR EXCHANGE.—Subject to subsection (d), the Secretary of the Interior shall identify Federal land in Churchill County, Nevada, managed by the Commissioner of Reclamation and Federal land in Churchill County, Nevada, managed by the Director of the Bureau of Land Management to offer for exchange from Federal land identified as potentially suitable for disposal in an applicable resource management plan.

''(c) EQUAL VALUE LAND EXCHANGES.—

''(1) IN GENERAL.—Land to be exchanged under this section shall be of equal value, based on appraisals prepared in accordance with—

''(A) the Uniform Standards for Professional Land Acquisitions; and

''(B) the Uniform Standards of Professional Appraisal Practice.

''(2) USE OF MASS APPRAISALS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Interior may use a mass appraisal to determine the value of land to be exchanged under this section, if the Secretary of the Interior determines that the land to be subject to the mass appraisal is of similar character and value.

''(B) EXCLUSION.—The Secretary of the Interior shall exclude from a mass appraisal under subparagraph (A) any land, the value of which is likely to exceed $250 per acre, as determined by the Secretary of the Interior.

''(C) AVAILABILITY.—The Secretary of the Interior shall make the results of a mass appraisal conducted under subparagraph (A) available to the public.

''(d) IDENTIFICATION PROCESS.—

''(1) IN GENERAL.—Subject to subsection (g), the Secretary of the Interior, in consultation with Churchill County, Nevada, and after providing an opportunity for public comment, shall identify Federal land in Churchill County, Nevada, managed by the Commissioner of Reclamation and Federal land in Churchill County, Nevada, managed by the Director of the Bureau of Land Management to offer for sale from Federal land identified as potentially suitable for disposal in an applicable resource management plan.

''(2) POSTPONEMENT OR EXCLUSION.—

''(A) ON REQUEST OF COUNTY.—At the request of Churchill County, Nevada, the Secretary of the Interior shall—

''(i) postpone a sale of Federal land under this section; or

''(ii) exclude from the sale all or a portion of Federal land identified for sale under this section.

''(B) AT DISCRETION OF SECRETARY OF THE INTERIOR.—Nothing in this section prohibits the Secretary of the Interior from—

''(i) postponing a sale of Federal land under this section; or

''(ii) excluding all or a portion of Federal land identified for sale under this section.

''(3) VALID EXISTING RIGHTS.—A sale of Federal land under this section is subject to valid existing rights.

''(e) METHOD OF SALE.—A sale of Federal land under ⟦subsection (d)⟧ shall be—

''(1) consistent with section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

''(2) through a competitive bidding process, unless otherwise determined by the Secretary of the Interior; and

''(3) for not less than fair market value.

''(f) LIMITATION.—Not more than a total of 50,000 acres of Federal land in Churchill County, Nevada, shall be sold under this subsection.

''(g) MANAGEMENT PRIORITY AREAS.—Not later than 1 year after the date of enactment of this subtitle, the Secretary of the Interior shall identify management priority areas on Federal land in Churchill County, Nevada, that—

''(1) include greater sage-grouse habitat;

''(2)(A) are designated as critical habitat;

''(B) are part of an identified wildlife corridor; or

''(C) contain significant wetlands or riparian wildlife habitat;

''(3) are within the boundary of—

''(A) a unit of the National Wildlife Refuge System;

''(B) a National Conservation Area; or

''(C) a component of the National Wilderness Preservation System;

''(4)(A) have value for outdoor recreation; or

''(B) provide public access for recreational hunting, fishing, or other recreational purposes that cannot be otherwise mitigated;

''(5)(A) contain resources that are listed on, or eligible for inclusion on, the National Register of Historic Places; or

''(B) have significant cultural, historic, ecological, or scenic value; or

''(6) would improve Federal land management.

''(h) IDENTIFICATION OF ADDITIONAL MANAGEMENT PRIORITY AREAS.—As the Secretary of the Interior determines to be appropriate, the Secretary of the Interior may identify additional management priority areas in Churchill County, Nevada, after the date on which the identification under subsection (g) is completed.

''(i) MANAGEMENT.—Nothing in this section modifies the management of an area identified as a management priority area under this section based on the identification.

''(j) MANAGEMENT PRIORITY AREAS EXCLUDED FROM SALE OR EXCHANGE.—Federal land identified as a management priority area under this section—

''(1) shall be retained in Federal ownership; and

''(2) shall not be available for disposal or conveyance, including by sale or exchange, under this section.

''(k) INTERIM WITHDRAWAL.—Subject to valid existing rights and mining claims for which the claim maintenance fee has been paid in the applicable assessment year, effective on the date on which a parcel of Federal land is identified for exchange under subsection (b)(3) or sale under subsection (d)(1), the parcel of Federal land is withdrawn from—

''(1) all forms of entry and appropriation under the public land laws;

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

''(3) operation of the mineral and mineral materials leasing laws.

''(l) TERMINATION OF WITHDRAWAL.—The withdrawal of a parcel of Federal land under subsection (k) shall terminate—

''(1)(A) on the date of sale; or

''(B) in the case of exchange, the date of the conveyance of the title to the Federal land covered by the exchange;

''(2) with respect to any parcel of Federal land identified for exchange under subsection (b)(3) or sale under subsection (d)(1) that is not exchanged or sold, not later than 2 years after the date the parcel of Federal land was offered for exchange or sale under this section; or

''(3) on a different date mutually agreed to by the Secretary of the Interior and Churchill County, Nevada.

''(m) DISPOSITION OF PROCEEDS.—Of the proceeds from the sale of Federal land under subsection (d)—

''(1) 5 percent shall be disbursed to the State of Nevada for use in the general education program of the State of Nevada; and

''(2) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the 'Churchill County Special Account', which shall be available to the Secretary of the Interior, without further appropriation, for—

''(A) the reimbursement of costs incurred by the Secretary of the Interior in preparing for a sale or exchange of Federal land under this section; and

''(B) the acquisition of land (including interests in land) in Churchill County, Nevada—

''(i) for inclusion in a component of the National Wilderness Preservation System or a national conservation area designated by this subtitle;

''(ii) that protects other environmentally significant land;

''(iii) that is identified as a management priority area under subsection (g); or

''(iv) that secures public access to Federal land for hunting, fishing, and other recreational purposes.

''(n) LIMITATION.—The proceeds from the sale of Federal land under subsection (d) shall not be used for the acquisition of any water rights.

''SEC. 2999C. TRIBAL LIAISON OFFICE.

''The Secretary of the Navy shall establish and maintain a dedicated Tribal liaison position at Naval Air Station Fallon.

''SEC. 2999D. TERMINATION OF PRIOR WITHDRAWAL.

''Notwithstanding section 2842 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) and section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65), the withdrawal and reservation under section 3011(a) of that Act is terminated.

''SEC. 2999E. DURATION OF WITHDRAWAL AND RESERVATION.

''The withdrawal and reservation of public land by section 2981 shall terminate on November 6, 2047.

''SEC. 2999F. DIXIE VALLEY WATER PROJECT.

''(a) CONTINUATION OF PROJECT.—The withdrawal of land authorized by section 2981(a)(2) shall not interfere with the Churchill County Dixie Valley Water Project.

''(b) PERMITTING.—On application by Churchill County, Nevada, the Secretary of the Navy shall concur with the Churchill County Dixie Valley Water Project and, in collaboration with the Secretary of the Interior, complete any permitting necessary for the Dixie Valley Water Project, subject to the public land laws and environmental review.

''(c) COMPENSATION.—The Secretary of the Navy shall compensate Churchill County, Nevada, for any cost increases for the Dixie Valley Water Project that result from any design features required by the Secretary of the Navy to be included in the Dixie Valley Water Project.

''SEC. 2999G. WATER.

'' The Secretary of the Navy shall comply with the Memorandum of Understanding between the Department of the Navy and the United States Fish and Wildlife Service dated July 26, 1995, requiring the Department of the Navy to limit water rights to the maximum extent practicable, consistent with safety operations for Naval Air Station Fallon, Nevada, not more than 4,402 acre-feet of water per year.''.

TITLE LI—RUBY MOUNTAINS PROTECTION

SEC. 5101. WITHDRAWAL OF CERTAIN NATIONAL FOREST SYSTEM LAND.

(a) WITHDRAWAL.—Subject to valid existing rights, the approximately 309,272 acres of Federal land and interests in the land located in the Ruby Mountains subdistrict of the Humboldt-Toiyabe National Forest within the area depicted on the Forest Service map entitled ''S. 258 Ruby Mountains Protective Act'' and dated December 5, 2019, as ''National Forest System Lands'' are withdrawn from all forms of operation under the mineral leasing laws.

(b) APPLICATION.—Any land or interest in land within the boundary of the Ruby Mountains subdistrict of the Humboldt-Toiyabe National Forest that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with subsection (a).

(c) AVAILABILITY OF MAP.—The map described in subsection (a) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 5102. WITHDRAWAL OF CERTAIN NATIONAL WILDLIFE REFUGE SYSTEM LAND.

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, the approximately 39,926.10 acres of Federal land and interests in the land located in the Ruby Lake National Wildlife Refuge and depicted on the United States Fish and Wildlife Service map entitled ''S. XXX Ruby Mountains Protection Act'' and dated February 23, 2021, as ''Ruby Lake National Wildlife Refuge'' are withdrawn from all forms of operation under the mineral leasing laws, subject to paragraph (2).

(2) EXCEPTION.—The withdrawal under paragraph (1) shall not apply to noncommercial refuge management activities by the United States Fish and Wildlife Service.

(b) APPLICATION.—Any land or interest in land within the boundary of the Ruby Lake National Wildlife Refuge that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with subsection (a).

(c) AVAILABILITY OF MAP.—The map described in subsection (a)(1) shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

TITLE LII—PERSHING COUNTY ECONOMIC DEVELOPMENT AND CONSERVATION

SEC. 5201. DEFINITIONS.

In this title:

(1) COUNTY.—The term ''County'' means Pershing County, Nevada.

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

(3) STATE.—The term ''State'' means the State of Nevada.

(4) WILDERNESS AREA.—The term ''wilderness area'' means a wilderness area designated by section 5221(a).

Subtitle A—Checkerboard Land Resolution

SEC. 5211. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE LAND.—The term ''eligible land'' means any land administered by the Director of the Bureau of Land Management—

(A) that is within the area identified on the Map as ''Checkerboard Lands Resolution Area'' that is designated for disposal by the Secretary through—

(i) the Winnemucca Consolidated Resource Management Plan; or

(ii) any subsequent amendment or revision to the management plan that is undertaken with full public involvement; and

(B) that is not encumbered land.

(2) ENCUMBERED LAND.—The term ''encumbered land'' means any land administered by the Director of the Bureau of Land Management within the area identified on the Map as ''Checkerboard Lands Resolution Area'' that is encumbered by mining claims, millsites, or tunnel sites.

(3) MAP.—The term ''Map'' means the map prepared under section 5212(b)(1).

(4) QUALIFIED ENTITY.—The term ''qualified entity'' means, with respect to a portion of encumbered land—

(A) the owner of a mining claim, millsite, or tunnel site located on a portion of the encumbered land on the date of enactment of this Act; and

(B) a successor in interest of an owner described in subparagraph (A).

SEC. 5212. SALE OR EXCHANGE OF ELIGIBLE LAND.

(a) AUTHORIZATION OF CONVEYANCE.—Notwithstanding sections 202, 203, 206, and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713, 1716, 1719), as soon as practicable after the date of enactment of this Act, the Secretary, in accordance with this title and any other applicable law and subject to valid existing rights, shall conduct sales or exchanges of the eligible land.

(b) MAP.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map that depicts the boundaries of the land identified for disposal under this title, to be identified as the ''Checkerboard Lands Resolution Area'' on the Map.

(2) MINOR CORRECTIONS.—The Secretary, in consultation with the County, may correct minor errors in the Map.

(c) JOINT SELECTION REQUIRED.—After providing public notice, the Secretary and the County shall jointly select parcels of eligible land to be offered for sale or exchange under subsection (a).

(d) METHOD OF SALE.—A sale of eligible land under subsection (a) shall be—

(1) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(2) conducted through a competitive bidding process, under which adjoining landowners are offered the first option, unless the Secretary determines there are suitable and qualified buyers that are not adjoining landowners; and

(3) for not less than fair market value, based on an appraisal in accordance with the Uniform Standards of Professional Appraisal Practice and this title.

(e) LAND EXCHANGES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and subject to the joint selection requirements under subsection (c), the Secretary shall offer to exchange all eligible land under this section for private land.

(2) ADJACENT LAND.—To the extent practicable, the Secretary shall seek to enter into agreements with one or more owners of private land adjacent to the eligible land for the exchange of the private land for the eligible land, if the Secretary determines that the exchange would consolidate Federal land ownership and facilitate improved Federal land management.

(3) PRIORITY LAND EXCHANGES.—In acquiring private land under this subsection, the Secretary shall give priority to the acquisition of private land in higher-value natural resource areas in the County.

(f) MASS APPRAISALS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall—

(A) conduct a mass appraisal of eligible land to be sold or exchanged under this section;

(B) prepare an evaluation analysis for each land transaction under this section; and

(C) make available to the public the results of the mass appraisals conducted under subparagraph (A).

(2) USE.—The Secretary may use mass appraisals and evaluation analyses conducted under paragraph (1) to facilitate exchanges of eligible land for private land.

(g) DEADLINE FOR SALE OR EXCHANGE; EXCLUSIONS.—

(1) DEADLINE.—Not later than 90 days after the date on which the eligible land is jointly selected under subsection (c), the Secretary shall offer for sale or exchange the parcels of eligible land jointly selected under that subsection.

(2) POSTPONEMENT OR EXCLUSION.—The Secretary or the County may postpone, or exclude from, a sale or exchange of all or a portion of the eligible land jointly selected under subsection (c) for emergency ecological or safety reasons.

(h) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and mining claims, millsites, and tunnel sites, effective on the date on which a parcel of eligible land is jointly selected under subsection (c) for sale or exchange, that parcel is withdrawn from—

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

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

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

(2) TERMINATION.—The withdrawal of a parcel of eligible land under paragraph (1) shall terminate—

(A) on the date of sale or, in the case of exchange, the conveyance of title of the parcel of eligible land under this section; or

(B) with respect to any parcel of eligible land selected for sale or exchange under subsection (c) that is not sold or exchanged, not later than 2 years after the date on which the parcel was offered for sale or exchange under this section.

SEC. 5213. SALE OF ENCUMBERED LAND.

(a) AUTHORIZATION OF CONVEYANCE.—Notwithstanding sections 202, 203, 206, and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713, 1716, 1719), not later than 90 days after the date of enactment of this Act and subject to valid existing rights held by third parties, the Secretary shall offer to convey to qualified entities, for fair market value, the remaining right, title, and interest of the United States, in and to the encumbered land.

(b) COSTS OF SALES TO QUALIFIED ENTITIES.—As a condition of each conveyance of encumbered land under this section, the qualified entity shall pay all costs related to the conveyance of the encumbered land, including the costs of surveys and other administrative costs associated with the conveyance.

(c) OFFER TO CONVEY.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary receives a fair market offer from a qualified entity for the conveyance of encumbered land, the Secretary shall accept the fair market value offer.

(2) APPRAISAL.—Fair market value of the interest of the United States in and to encumbered land shall be determined by an appraisal conducted in accordance with the Uniform Standards of Professional Appraisal Practice.

(d) CONVEYANCE.—Not later than 180 days after the date of acceptance by the Secretary of an offer from a qualified entity under subsection (c)(1) and completion of a sale for all or part of the applicable portion of encumbered land to the qualified entity, the Secretary, by delivery of an appropriate deed, patent, or other valid instrument of conveyance, shall convey to the qualified entity all remaining right, title, and interest of the United States in and to the applicable portion of the encumbered land.

(e) MERGER.—Subject to valid existing rights held by third parties, on delivery of the instrument of conveyance to the qualified entity under subsection (d), the prior interests in the locatable minerals and the right to use the surface for mineral purposes held by the qualified entity under a mining claim, millsite, tunnel site, or any other Federal land use authorization applicable to the encumbered land included in the instrument of conveyance, shall merge with all right, title, and interest conveyed to the qualified entity by the United States under this section to ensure that the qualified entity receives fee simple title to the purchased encumbered land.

SEC. 5214. DISPOSITION OF PROCEEDS.

(a) DISPOSITION OF PROCEEDS.—Of the proceeds from the sale of land under this title—

(1) 5 percent shall be disbursed to the State for use in the general education program of the State;

(2) 10 percent shall be disbursed to the County for use as determined through normal County budgeting procedures; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the ''Pershing County Special Account'', which shall be available to the Secretary, in consultation with the County, for—

(A) the acquisition of land from willing sellers (including interests in land) in the County—

(i) within a wilderness area;

(ii) that protects other environmentally significant land;

(iii) that secures public access to Federal land for hunting, fishing, and other recreational purposes; or

(iv) that improves management of Federal land within the area identified on the Map as ''Checkerboard Lands Resolution Area''; and

(B) the reimbursement of costs incurred by the Secretary in preparing for the sale or exchange of land under this title.

(b) INVESTMENT OF SPECIAL ACCOUNT.—Any amounts deposited in the special account established under subsection (a)(3)—

(1) shall earn interest in an amount determined by the Secretary of the Treasury, based on the current average market yield on outstanding marketable obligations of the United States of comparable maturities; and

(2) may be expended by the Secretary in accordance with this section.

(c) REPORTS.—

(1) IN GENERAL.—Not later than September 30 of the fifth fiscal year after the date of enactment of this Act, and every 5 fiscal years thereafter, the Secretary shall submit to the State, the County, and the appropriate committees of Congress a report on the operation of the special account established

under subsection (a)(3) for the preceding 5 fiscal years.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the fiscal year covered by the report—

(A) a statement of the amounts deposited into the special account;

(B) a description of the expenditures made from the special account for the fiscal year, including the purpose of the expenditures;

(C) recommendations for additional authorities to fulfill the purpose of the special account; and

(D) a statement of the balance remaining in the special account at the end of the fiscal year.

Subtitle B—Wilderness Areas

SEC. 5221. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following parcels of Federal land in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) CAIN MOUNTAIN WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 12,339 acres, as generally depicted on the map entitled ''Proposed Cain Mountain Wilderness'' and dated February 9, 2017.

(2) BLUEWING WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 24,900 acres, as generally depicted on the map entitled ''Proposed Bluewing Wilderness'' and dated February 9, 2017, which shall be known as the ''Bluewing Wilderness''.

(3) SELENITE PEAK WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 22,822 acres, as generally depicted on the map entitled ''Proposed Selenite Peak Wilderness'' and dated February 9, 2017, which shall be known as the ''Selenite Peak Wilderness''.

(4) MOUNT LIMBO WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,855 acres, as generally depicted on the map entitled ''Proposed Mt. Limbo Wilderness'' and dated February 9, 2017, which shall be known as the ''Mount Limbo Wilderness''.

(5) NORTH SAHWAVE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,875 acres, as generally depicted on the map entitled ''Proposed North Sahwave Wilderness'' and dated February 9, 2017, which shall be known as the ''North Sahwave Wilderness''.

(6) GRANDFATHERS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 35,339 acres, as generally depicted on the map entitled ''Proposed Grandfathers Wilderness'' and dated February 9, 2017, which shall be known as the ''Grandfathers Wilderness''.

(7) FENCEMAKER WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,942 acres, as generally depicted on the map entitled ''Proposed Fencemaker Wilderness'' and dated February 9, 2017, which shall be known as the ''Fencemaker Wilderness''.

(b) BOUNDARY.—The boundary of any portion of a wilderness area that is bordered by a road shall be 100 feet from the centerline of the road.

(c) 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 each wilderness area.

(2) EFFECT.—Each map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas designated by subsection (a) are withdrawn from—

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

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

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

SEC. 5222. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that with respect to the wilderness areas—

(1) any reference in that Act to the effective date 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) LIVESTOCK.—The grazing of livestock in the wilderness areas, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405).

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of a wilderness area that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area.

(d) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Congress does not intend for the designation of the wilderness areas to create protective perimeters or buffer zones around the wilderness areas.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(e) MILITARY OVERFLIGHTS.—Nothing in this title restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(f) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the wilderness areas as are necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency).

(g) 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 data 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.

(h) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the wilderness areas are located—

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters of the streams and rivers on land with respect to which there are few, if any—

(I) actual or proposed water resource facilities located upstream; and

(II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the wilderness areas are generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of the wilderness areas, it is possible to provide for proper management and protection of the wilderness and other values of land in ways different from those used in other laws.

(2) PURPOSE.—The purpose of this section is to protect the wilderness values of the wilderness areas by means other than a federally reserved water right.

(3) STATUTORY CONSTRUCTION.—Nothing in this title—

(A) constitutes an express or implied reservation by the United States of any water or water rights with respect to the wilderness areas;

(B) affects any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act;

(C) establishes a precedent with regard to any future wilderness designations;

(D) affects the interpretation of, or any designation made under, any other Act; or

(E) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(4) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas.

(5) NEW PROJECTS.—

(A) DEFINITION OF WATER RESOURCE FACILITY.—

(i) IN GENERAL.—In this paragraph, the term ''water resource facility'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(ii) EXCLUSION.—In this paragraph, the term ''water resource facility'' does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this subtitle, on and after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness areas.

(i) TEMPORARY TELECOMMUNICATIONS DEVICE.—

(1) IN GENERAL.—Nothing in this title prevents the placement of a temporary telecommunications device for law enforcement or agency administrative purposes in the

Selenite Peak Wilderness in accordance with paragraph (2).

(2) ADDITIONAL REQUIREMENTS.—Any temporary telecommunications device authorized by the Secretary under paragraph (1) shall—

(A) be carried out in accordance with—

(i) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(ii) all other applicable laws (including regulations);

(B) to the maximum practicable, be located in such a manner as to minimize impacts on the recreational and other wilderness values of the area; and

(C) be for a period of not longer than 7 years.

SEC. 5223. WILDLIFE MANAGEMENT.

(a) 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 or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas.

(b) 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 in the wilderness areas that are necessary to maintain or restore fish and wildlife populations and the habitats to support the populations, if the activities are carried out—

(1) consistent with relevant wilderness management plans; and

(2) in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) appropriate policies, such as those set forth 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 (House Report 101–405), including noxious weed treatment and 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 with the minimal impact necessary to reasonably 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 in accordance with appropriate policies such as those set forth in Appendix B of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405), the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—The Secretary may designate areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas.

(2) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency and notify the public before taking any action under paragraph (1).

(f) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The State, including a designee of the State, may conduct wildlife management activities in the wilderness areas—

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State entitled ''Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9'' and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and

(B) subject to all applicable laws (including regulations).

(2) REFERENCES; CLARK COUNTY.—For the purposes of this subsection, any references to Clark County in the cooperative agreement described in paragraph (1)(A) shall be considered to be a reference to the wilderness areas.

SEC. 5224. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the approximately 48,600 acres of public land in the portions of the China Mountain, Mt. Limbo, Selenite Mountains, and Tobin Range wilderness study areas that have not been designated as wilderness by section 5221(a) and the portion of the Augusta Mountains wilderness study area within the County that has not been designated as wilderness by section 5221(a) have been adequately studied for wilderness designation.

(b) RELEASE.—The public land described in subsection (a)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

SEC. 5225. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

(a) IN GENERAL.—Nothing in this title alters or diminishes the treaty rights of any Indian Tribe.

(b) CULTURAL USES.—Nothing in this title precludes the traditional collection of pine nuts in a wilderness area for personal, noncommercial use consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

TITLE LIII—LANDER COUNTY

SEC. 5301. DEFINITIONS.

In this title:

(1) COUNTY.—The term ''County'' means Lander County, Nevada.

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

(3) STATE.—The term ''State'' means the State of Nevada.

Subtitle A—Lander County Land Conveyances

SEC. 5311. DEFINITIONS.

In this subtitle:

(1) MAP.—The term ''Map'' means the map entitled ''Lander County Selected Lands'' and dated August 4, 2020.

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

(A) the Secretary, with respect to land under the jurisdiction of the Secretary; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service, with respect to National Forest System land.

SEC. 5312. CONVEYANCES TO LANDER COUNTY, NEVADA.

(a) CONVEYANCE FOR WATERSHED PROTECTION, RECREATION, AND PARKS.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), not later than 60 days after the date on which the County identifies the parcels of Federal land selected by the County for conveyance to the County from among the parcels identified on the Map as ''Lander County Parcels BLM and USFS'', the Secretary concerned shall convey to the County, subject to valid existing rights and for no consideration, all right, title, and interest of the United States in and to the identified parcels of Federal land (including mineral rights) for use by the County for watershed protection, recreation, and parks.

(b) CONVEYANCE FOR AIRPORT FACILITY.—

(1) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, subject to valid existing rights, including mineral rights, all right, title, and interest of the United States in and to the parcels of Federal land identified on the Map as ''Kingston Airport'' for the purpose of improving the relevant airport facility and related infrastructure.

(2) COSTS.—The only costs for the conveyance to be paid by the County under paragraph (1) shall be the survey costs relating to the conveyance.

(c) SURVEY.—The exact acreage and legal description of any parcel of Federal land to be conveyed under subsection (a) or (b) shall be determined by a survey satisfactory to the Secretary concerned and the County.

(d) REVERSIONARY CLAUSE REQUIRED.—A conveyance of Federal land under subsection (a) or (b) shall include a reversionary clause to ensure that management of the Federal land conveyed under the applicable subsection shall revert to the Secretary concerned if the Federal land is no longer being managed in accordance with the applicable subsection.

(e) MAP, ACREAGE ESTIMATES, AND LEGAL DESCRIPTIONS.—

(1) MINOR ERRORS.—The Secretary concerned and the County may, by mutual agreement—

(A) make minor boundary adjustments to the parcels of Federal land to be conveyed under subsection (a) or (b); and

(B) correct any minor errors in—

(i) the Map; or

(ii) an acreage estimate or legal description of any parcel of Federal land conveyed under subsection (a) or (b).

(2) CONFLICT.—If there is a conflict between the Map, an acreage estimate, or a legal description of Federal land conveyed under subsection (a) or (b), the Map shall control unless the Secretary concerned and the County mutually agree otherwise.

(3) AVAILABILITY.—The Secretary shall make the Map available for public inspection in—

(A) the Office of the Nevada State Director of the Bureau of Land Management; and

(B) the Bureau of Land Management Battle Mountain Field Office.

Subtitle B—Lander County Wilderness Areas

SEC. 5321. DEFINITIONS.

In this subtitle:

(1) MAP.—The term ''Map'' means the map entitled ''Lander County Wilderness Areas Proposal'' and dated April 19, 2021.

(2) WILDERNESS AREA.—The term ''wilderness area'' means a wilderness area designated by section 5322(a).

SEC. 5322. DESIGNATION OF WILDERNESS AREAS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) CAIN MOUNTAIN WILDERNESS.—Certain Federal land managed by the Director of the Bureau of Land Management, comprising approximately 6,386 acres, as generally depicted as ''Cain Mountain Wilderness'' on the Map, which shall be known as the ''Cain Mountain Wilderness''.

(2) DESATOYA MOUNTAINS WILDERNESS.—Certain Federal land managed by the Director of the Bureau of Land Management, comprising approximately 7,766 acres, as generally depicted as ''Desatoya Mountains Wilderness'' on the Map, which shall be known as the ''Desatoya Mountains Wilderness''.

(b) BOUNDARY.—The boundary of any portion of a wilderness area that is bordered by a road shall be 100 feet from the centerline of the road.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file with, and make available for inspection in, the appropriate offices of the Bureau of Land Management, a map and legal description of each wilderness area.

(2) EFFECT.—Each map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(d) 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 relating to mineral and geothermal leasing or mineral materials.

SEC. 5323. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that with respect to the wilderness areas—

(1) any reference in that Act to the effective date 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) LIVESTOCK.—The grazing of livestock in the wilderness areas, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405).

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of a wilderness area that is acquired by the United States after the date of enactment of this Act shall be added to, and administered as part of, the wilderness area.

(d) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Congress does not intend for the designation of the wilderness areas to create protective perimeters or buffer zones around the wilderness areas.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(e) MILITARY OVERFLIGHTS.—Nothing in this subtitle restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing or evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(f) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the wilderness areas as are necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency).

(g) 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 data 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.

(h) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the wilderness areas are located—

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters of the streams and rivers on land with respect to which there are few, if any—

(I) actual or proposed water resource facilities located upstream; and

(II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the wilderness areas are generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of the wilderness areas, it is possible to provide for proper management and protection of the wilderness and other values of the land in ways different from the methods used in other laws.

(2) PURPOSE.—The purpose of this subsection is to protect the wilderness values of the wilderness areas by means other than a federally reserved water right.

(3) STATUTORY CONSTRUCTION.—

(A) NO RESERVATION.—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the wilderness areas.

(B) STATE RIGHTS.—Nothing in this subtitle affects any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act.

(C) NO PRECEDENT.—Nothing in this subtitle establishes a precedent with regard to any future wilderness designations.

(D) NO EFFECT ON OTHER DESIGNATIONS.—Nothing in this subtitle affects the interpretation of, or any designation made under, any other Act.

(E) NO EFFECT ON COMPACTS.—Nothing in this subtitle limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(4) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas.

(5) NEW PROJECTS.—

(A) DEFINITION OF WATER RESOURCE FACILITY.—

(i) IN GENERAL.—In this paragraph, the term ''water resource facility'' means—

(I) an irrigation or pumping facility;

(II) a reservoir;

(III) a water conservation works;

(IV) an aqueduct, canal, ditch, pipeline, well, hydropower project, or transmission or other ancillary facility; and

(V) any other water diversion, conservation, storage, or carriage structure.

(ii) EXCLUSION.—In this paragraph, the term ''water resource facility'' does not include wildlife guzzlers.

(B) NO LICENSES OR PERMITS.—Except as otherwise provided in this subtitle, on and after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness areas.

SEC. 5324. WILDLIFE MANAGEMENT.

(a) 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 or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping in the wilderness areas.

(b) 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 in the wilderness areas that are necessary to maintain or restore fish and wildlife populations and the habitats to support the populations, if the activities are carried out—

(1) consistent with relevant wilderness management plans; and

(2) in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) appropriate policies, such as those set forth 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 (House Report 101–405), including noxious weed treatment and 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 with the minimal impact necessary to reasonably 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 in accordance with appropriate policies such as those set forth in Appendix B of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405), the State may continue to use aircraft (including helicopters) to survey, capture, transplant, monitor, and provide water for wildlife populations.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas if—

(1) the structures and facilities would, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—The Secretary may designate areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas.

(2) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency and notify the public before taking any action under paragraph (1).

(f) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The State, including a designee of the State, may conduct wildlife management activities in the wilderness areas—

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State entitled ''Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9'' and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and

(B) subject to all applicable laws (including regulations).

(2) REFERENCES; CLARK COUNTY.—For the purposes of this subsection, any references to Clark County in the cooperative agreement described in paragraph (1)(A) shall be considered to be a reference to the County.

SEC. 5325. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the following public land has been adequately studied for wilderness designation:

(1) The approximately 10,777 acres of the Augusta Mountain Wilderness Study Area within the County that has not been designated as wilderness by section 5322(a).

(2) The approximately 1,088 acres of the Desatoya Wilderness Study Area within the County that has not been designated as wilderness by section 5322(a).

(b) RELEASE.—The public land described in subsection (a)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

SEC. 5326. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

(a) IN GENERAL.—Nothing in this subtitle alters or diminishes the treaty rights of any Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(b) CULTURAL USES.—Nothing in this subtitle precludes the traditional collection of pine nuts in a wilderness area for personal, noncommercial use consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

TITLE LIV—DOUGLAS COUNTY

SEC. 5401. PURPOSE.

The purpose of this title is to promote conservation, improve public land, and provide for sensible development in Douglas County, Nevada, and for other purposes.

SEC. 5402. DEFINITIONS.

In this title:

(1) COUNTY.—The term ''County'' means Douglas County, Nevada.

(2) MAP.—The term ''Map'' means the map entitled ''Douglas County Economic Development and Conservation Act'' and dated October 14, 2019.

(3) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

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

(A) with respect to National Forest System land, the Secretary of Agriculture (acting through the Chief of the Forest Service); and

(B) with respect to land managed by the Bureau of Land Management, including land held for the benefit of the Tribe, the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Nevada.

(6) TRIBE.—The term ''Tribe'' means the Washoe Tribe of Nevada and California.

(7) WILDERNESS.—The term ''Wilderness'' means the Burbank Canyons Wilderness designated by this title.

Subtitle A—Land Conveyances and Sales

SEC. 5411. CONVEYANCE TO STATE OF NEVADA.

(a) CONVEYANCE.—Subject to valid existing rights, the Secretary concerned shall convey to the State without consideration all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the approximately 67 acres of Forest Service land generally depicted as ''Lake Tahoe-Nevada State Park'' on the Map.

(c) COSTS.—As a condition for the conveyance under subsection (a), all costs associated with such conveyances shall be paid by the State.

(d) USE OF LAND.—

(1) IN GENERAL.—Any land conveyed to the State under subsection (a) shall be used only for—

(A) the conservation of wildlife or natural resources; or

(B) a public park.

(2) FACILITIES.—Any facility on the land conveyed under subsection (a) shall be constructed and managed in a manner consistent with the uses described in paragraph (1).

(e) REVERSION.—If any portion of the land conveyed under subsection (a) is used in a manner that is inconsistent with the uses described in subsection (d), the land shall, at the discretion of the Secretary concerned, revert to the United States.

SEC. 5412. TAHOE RIM TRAIL.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the County and other stakeholders, shall develop and implement a cooperative management agreement for the land described in subsection (b)—

(1) to improve the quality of recreation access by providing additional amenities as agreed on by the Secretary of Agriculture and the County; and

(2) to conserve the natural resources values.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of the approximately 13 acres of land generally depicted as ''Tahoe Rim Trail North Parcel'' on the Map.

SEC. 5413. CONVEYANCE TO DOUGLAS COUNTY, NEVADA.

(a) DEFINITION OF FEDERAL LAND.—In this section, the term ''Federal land'' means the approximately 7,777 acres of Federal land located in the County that is identified as ''Douglas County Land Conveyances'' on the Map.

(b) AUTHORIZATION OF CONVEYANCE.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), not later than 180 days after the date on which the Secretary concerned receives a request from the County for the conveyance of the Federal land, the Secretary concerned shall convey to the County, without consideration, all right, title, and interest of the United States in and to the Federal land.

(c) COSTS.—Any costs relating to the conveyance authorized under subsection (b), including any costs for surveys and other administrative costs, shall be paid by the County.

(d) USE OF FEDERAL LAND.—

(1) IN GENERAL.—The Federal land conveyed under subsection (b)—

(A) may be used by the County for flood control or any other public purpose consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act''; 43 U.S.C. 869 et seq.); and

(B) shall not be disposed of by the County.

(2) REVERSION.—If the Federal land conveyed under subsection (b) is used in a manner inconsistent with paragraph (1), the Federal land shall, at the discretion of the Secretary concerned, revert to the United States.

(e) ACQUISITION OF FEDERAL REVERSIONARY INTEREST.—

(1) REQUEST.—The County may submit to the Secretary concerned a request to acquire the Federal reversionary interest in all or any portion of the Federal land conveyed under this section.

(2) APPRAISAL.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of a request under paragraph (1), the Secretary concerned shall complete an appraisal of the Federal reversionary interest in the Federal land requested by the County.

(B) REQUIREMENT.—The appraisal under subparagraph (A) shall be completed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) CONVEYANCE REQUIRED.—

(A) IN GENERAL.—If, by the date that is 1 year after the date of completion of the appraisal under paragraph (2), the County submits to the Secretary concerned an offer to acquire the Federal reversionary interest requested under paragraph (1), the Secretary concerned, by not later than the date that is 30 days after the date on which the offer is submitted, shall convey to the County that reversionary interest.

(B) CONSIDERATION.—As consideration for the conveyance of the Federal reversionary interest under subparagraph (A), the County shall pay to the Secretary concerned an amount equal to the appraised value of the Federal reversionary interest, as determined under paragraph (2).

(C) COSTS OF CONVEYANCE.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary concerned.

(4) DISPOSITION OF PROCEEDS.—Any amounts collected under this subsection shall be disposed of in accordance with section 5414(i).

(f) REVOCATION OF ORDERS.—Any public land order that withdraws any of the land described in subsection (a) from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of that land.

SEC. 5414. SALE OF CERTAIN FEDERAL LAND.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary concerned shall, in accordance with the other provisions of that Act and any other applicable law, and subject to valid existing rights, conduct one or more sales of the Federal land including mineral rights described in subsection (b) to qualified bidders.

(b) DESCRIPTION OF LAND.—The Federal land referred to in subsection (a) consists of—

(1) the approximately 59.5 acres of public land generally depicted as ''Lands for Disposal'' on the Map; and

(2) not more than 10,000 acres of land in the County that—

(A) is not segregated or withdrawn on or after the date of enactment of this Act, unless the land is withdrawn in accordance with subsection (g); and

(B) is identified for disposal by the Secretary concerned through—

(i) the Carson City Consolidated Resource Management Plan; or

(ii) any subsequent amendment to the management plan that is undertaken with full public involvement.

(c) JOINT SELECTION REQUIRED.—The Secretary concerned and the County shall jointly select which parcels of the Federal land described in subsection (b)(2) to offer for sale under subsection (a).

(d) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before carrying out a sale of Federal land under subsection (a), the County shall submit to the Secretary concerned a certification that qualified bidders have agreed to comply with—

(1) County zoning ordinances; and

(2) any master plan for the area approved by the County.

(e) METHOD OF SALE.—The sale of Federal land under subsection (a) shall be—

(1) sold through a competitive bidding process, unless otherwise determined by the Secretary concerned; and

(2) for not less than fair market value.

(f) RECREATION AND PUBLIC PURPOSES ACT CONVEYANCES.—

(1) IN GENERAL.—Not later than 30 days before any land described in subsection (b) is offered for sale under subsection (a), the State or County may elect to obtain the land for public purposes in accordance with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act''; 43 U.S.C. 869 et seq.).

(2) RETENTION.—Pursuant to an election made under paragraph (1), the Secretary concerned shall retain the elected land for conveyance to the State or County in accordance with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act''; 43 U.S.C. 869 et seq.).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), the Federal land described in subsection (b) is withdrawn from—

(A) all forms of 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.

(2) TERMINATION.—The withdrawal under paragraph (1) shall be terminated—

(A) on the date of sale or conveyance of title to the land including mineral rights described in subsection (b) pursuant to this title; or

(B) with respect to any land described in subsection (b) that is not sold or exchanged, not later than 1 year after the date on which the land was offered for sale under this title.

(3) EXCEPTION.—Paragraph (1)(A) shall not apply to a sale made consistent with this section or an election by the County or the State to obtain the land described in subsection (b) for public purposes under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act''; 43 U.S.C. 869 et seq.).

(h) DEADLINE FOR SALE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subsection (b), the Secretary concerned shall offer the land for sale to the qualified bidder.

(2) POSTPONEMENT; EXCLUSION FROM SALE.—At the request of the County, the Secretary concerned may temporarily postpone or exclude from the sale under paragraph (1) all or a portion of the land described in subsection (b).

(i) DISPOSITION OF PROCEEDS.—Of the proceeds from the sale under this section—

(1) 5 percent shall be disbursed to the State for use by the State for general education programs of the State;

(2) 10 percent shall be disbursed to the County for use by the County for general budgeting purposes; and

(3) 85 percent shall be deposited in a special account in the Treasury of the United States, to be known as the ''Douglas County Special Account'', which shall be available to the Secretary concerned until expended, without further appropriation—

(A) to reimburse costs incurred by the Secretary concerned in preparing for the sale of the land described in subsection (b), including—

(i) the costs of surveys and appraisals; and

(ii) the costs of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(B) to reimburse costs incurred by the Bureau of Land Management and the Forest Service in preparing for and carrying out the transfers of land to be held in trust by the United States under section 5421; and

(C) to acquire environmentally sensitive land or an interest in environmentally sensitive land in the County—

(i) pursuant to the Douglas County Open Space and Agricultural Lands Preservation Implementation Plan, or any subsequent amendment to the plan that is undertaken with full public involvement; and

(ii) for flood control purposes.

(j) REVOCATION OF ORDERS.—Any public land order that withdraws any of the land described in subsection (b) from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of that land.

SEC. 5415. OPEN SPACE RECREATION AREA.

(a) AUTHORIZATION OF CONVEYANCE.—Not later than 180 days after the date on which the Secretary of Agriculture receives a request from the County, the Secretary of Agriculture shall convey to the County, without consideration, all right, title, and interest of the United States in and to the Federal land to be used for recreation and any other public purpose consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act''; 43 U.S.C. 869 et seq.).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 1,084 acres of land as depicted as ''Open Space Recreation Area'' on the Map.

(c) COSTS.—Any costs relating to the conveyance authorized under subsection (b), including any costs for surveys and other administrative costs, shall be paid by the County.

(d) USE OF FEDERAL LAND.—The Federal land conveyed under subsection (a) shall not be disposed of by the County.

Subtitle B—Tribal Cultural Resources

SEC. 5421. TRANSFER OF LAND TO BE HELD IN TRUST FOR TRIBE.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit of the Tribe; and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of—

(1) approximately 2,669 acres of Federal land generally depicted as ''Washoe Tribe Conveyances'' on the Map; and

(2) any land administered on the date of enactment of this Act by the Bureau of Land Management or the Forest Service and generally depicted as ''Section 5 lands''.

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary concerned shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

(d) USE OF TRUST LAND.—

(1) GAMING.—Land taken into trust under this section shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(2) THINNING; LANDSCAPE RESTORATION.—

(A) IN GENERAL.—The Secretary concerned, in consultation and coordination with the Tribe, may carry out any fuel reduction and other landscape restoration activities on the land taken into trust under subsection (a) (including land that includes threatened and endangered species habitat), that are beneficial to—

(i) the Tribe; and

(ii)(I) the Bureau of Land Management; or

(II) the Forest Service.

(B) CONSERVATION BENEFITS.—Activities carried out under subparagraph (A) include activities that provide conservation benefits to a species—

(i) that is not listed as endangered or threatened under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)); but

(ii) is—

(I) listed by a State as a threatened or endangered species;

(II) a species of concern; or

(III) a candidate for a listing as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) WATER RIGHTS.—Nothing in this section affects the allocation, ownership, interest, or control, as in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right held by the United States, an Indian Tribe, a State, or a person.

Subtitle C—Resolution of Burbank Canyons Wilderness Study Area

SEC. 5431. ADDITION TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 12,392 acres of Federal land managed by the Bureau of Land Management, as generally depicted on the Map as ''Burbank Canyons Wilderness'' is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Burbank Canyons Wilderness''.

(b) BOUNDARY.—The boundary of any portion of the Wilderness that is bordered by a road shall be at least 100 feet from the centerline of the road to allow public access.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary concerned shall prepare a map and legal description of the Wilderness.

(2) EFFECT.—The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary concerned may correct any minor error in the map or legal description.

(3) AVAILABILITY.—A copy of the map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) WITHDRAWAL.—Subject to valid existing rights, the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or 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.

SEC. 5432. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary concerned in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) LIVESTOCK.—The grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary concerned considers to be necessary in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (House Report 101–405).

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the Wilderness that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the Wilderness.

(d) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Congress does not intend for the designation of the Wilderness to create a protective perimeter or buffer zone around the Wilderness.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness shall not preclude the conduct of the activities or uses outside the boundary of the Wilderness.

(e) MILITARY OVERFLIGHTS.—Nothing in this title restricts or precludes—

(1) low-level overflights of military aircraft over the Wilderness, including military overflights that can be seen or heard within the wilderness area;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the Wilderness.

(f) EXISTING AIRSTRIPS.—Nothing in this title restricts or precludes low-level overflights by aircraft utilizing airstrips in existence on the date of enactment of this Act that are located within 5 miles of the proposed boundary of the Wilderness.

(g) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary concerned may take any measures in the Wilderness that the Secretary concerned determines to be necessary for the control of fire, insects, and diseases, including, as the Secretary concerned determines to be appropriate, the coordination of the activities with the State or a local agency.

(h) 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 concerned may prescribe, the Secretary concerned may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the Wilderness if the Secretary concerned determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(i) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the Wilderness is located—

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters for the streams and rivers on land with respect to which there are few, if any—

(I) actual or proposed water resource facilities located upstream; and

(II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the Wilderness is generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of the Wilderness, it is possible to provide for proper management and protection of the wilderness and other values of land by means different from the means used in other laws.

(2) PURPOSE.—The purpose of this section is to protect the wilderness values of the Wilderness by means other than a federally reserved water right.

(3) STATUTORY CONSTRUCTION.—Nothing in this title—

(A) constitutes an express or implied reservation by the United States of any water or water rights with respect to the Wilderness;

(B) affects any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act;

(C) establishes a precedent with regard to any future wilderness designations;

(D) affects the interpretation of, or any designation made under, any other Act; or

(E) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(4) NEVADA WATER LAW.—The Secretary concerned shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the Wilderness.

(5) NEW PROJECTS.—

(A) DEFINITION OF WATER RESOURCE FACILITY.—

(i) IN GENERAL.—In this paragraph, the term ''water resource facility'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(ii) EXCLUSION.—In this paragraph, the term ''water resource facility'' does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this title, on or after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within any wilderness area, including a portion of a wilderness area, that is located in the County.

SEC. 5433. FISH AND WILDLIFE MANAGEMENT.

(a) 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 or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the Wilderness.

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary concerned may conduct any management activities in the Wilderness that are necessary to maintain or restore fish and wildlife populations and the habitats to support the populations, if the activities are carried out—

(1) in a manner that is consistent with relevant wilderness management plans; and

(2) in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) appropriate policies, such as those set forth 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 (House Report 101–405), including the occasional and temporary use of motorized vehicles and aircraft if the use, as determined by the Secretary concerned, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values with the minimal impact necessary to reasonably accomplish those tasks.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth 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 (House Report 101–405), the State may continue to use aircraft, including helicopters, to survey, capture, trans- plant, monitor, and provide water for wildlife populations in the Wilderness.

(d) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—The Secretary concerned may designate areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the Wilderness.

(2) CONSULTATION.—Except in emergencies, the Secretary concerned shall consult with the appropriate State agency and notify the public before making any designation under paragraph (1).

(e) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The State (including a designee of the State) may conduct wildlife management activities in the Wilderness—

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary of the Interior and the State entitled ''Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9'' and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary of the Interior and the State; and

(B) subject to all applicable laws (including regulations).

(2) REFERENCES; CLARK COUNTY.—For the purposes of this subsection, any reference to Clark County in the cooperative agreement described in paragraph (1)(A) shall be considered to be a reference to the Wilderness.

SEC. 5434. RELEASE OF WILDERNESS STUDY AREA.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the approximately 1,065 acres

of public land in the Burbank Canyons Wilderness study area not designated as wilderness by this title has been adequately studied for wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this title—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of enactment of this Act.

SEC. 5435. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this title alters or diminishes the treaty rights of any Indian Tribe.

Subtitle D—Transfer of Administrative Jurisdiction Over Forest Service Land

SEC. 5441. AUTHORITY OF FOREST SERVICE TO TRANSFER ADMINISTRATIVE JURISDICTION TO STATE OR COUNTY FOR PUBLIC PURPOSES.

(a) IN GENERAL.—Consistent with section 3(b) of Public Law 96–586 (commonly known as the ''Santini-Burton Act''; 94 Stat. 3384), and subject to valid existing rights, on receipt of a request by the State or County and subject to such terms and conditions as are satisfactory to the Secretary of Agriculture, the Secretary may transfer the Forest Service land or interests in Forest Service land described in subsection (b) to the State or County, without consideration, to protect the environmental quality and public recreational use of the transferred Forest Service land.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is any Forest Service land that is located within the boundaries of the area acquired under Public Law 96–586 (commonly known as the ''Santini-Burton Act''; 94 Stat. 3381) that is—

(1) unsuitable for Forest Service Administration; or

(2) necessary for a public purpose.

(c) USE OF LAND.—A parcel of land conveyed pursuant to subsection (a) shall—

(1) be managed by the State or County, as applicable—

(A) to maintain undeveloped open space and to preserve the natural characteristics of the transferred land in perpetuity; and

(B) to protect and enhance water quality, stream environment zones, and important wildlife habitat; and

(2) be used by the State or County, as applicable, for recreation or other public purposes including trails, trailheads, fuel reduction, flood control, and other infrastructure consistent with the Act of June 14, 1926 (43 U.S.C. 869 et seq.).

(d) REVERSION.—If a parcel of land transferred under subsection (a) is used in a manner that is inconsistent with subsection (c), the parcel of land shall, at the discretion of the Secretary of Agriculture, revert to the United States.

SEC. 5442. SPECIAL USE PERMITS FOR RECREATION AND PUBLIC PURPOSES.

(a) ISSUANCE OF SPECIAL USE PERMITS.—Not later than one year after the date on which the Secretary of Agriculture receives an application from the County or unit of local government for the use of the Federal land outlined in subsection (b), the Secretary, in accordance with all applicable laws shall—

(1) issue to the County a special use permit for recreation and public purposes; and

(2) authorize a permit length up to 30 years or longer for the use of the land.

(b) DESCRIPTION OF LAND.—The land referenced in subsection (a) applies to approximately 188 acres of Federal land located in the County that is identified as ''Directed Special Use Permit'' on the Map.

TITLE LV—CARSON CITY PUBLIC LANDS CORRECTION

SEC. 5501. DEFINITIONS.

In this title:

(1) CARSON CITY FEDERAL LAND COLLABORATION COMMITTEE.—The term ''Carson City Federal Land Collaboration Committee'' means a committee comprised of—

(A) the City Manager;

(B) a designee of the City Manager; and

(C) not more than 3 members appointed by the Carson City Board of Supervisors to represent areas of Carson City's government, including the Parks, Recreation, and Open Space Department, the Community Development Department, Property Management.

(2) CITY.—The term ''City'' means Carson City, Nevada.

(3) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture with respect to land in the National Forest System; and

(B) the Secretary of the Interior with respect to other Federal land.

SEC. 5502. LAND CONVEYANCES.

(a) CONVEYANCE.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the approximately 258 acres depicted as ''Lands to Acquire'' on the map entitled ''Carson City OPLMA Lands'' and dated 2018.

(c) COSTS.—Any costs relating to the conveyance under subsection (a), including costs of surveys and administrative costs, shall be paid by the City and are eligible for reimbursement under the account as described in section 5507(a).

(d) SALE OR LEASE OF LAND TO THIRD PARTIES.—The City may enter into an agreement to sell, lease, or otherwise convey all or part of the land described in subsection (b).

(e) CONDITIONS.—The City shall sell the land at fair market value, and proceeds will be deposited in the account as described in section 5507(a).

SEC. 5503. CARSON CITY STREET CONNECTOR CONVEYANCE.

(a) AUTHORIZATION OF CONVEYANCE.—The Secretary shall convey to Carson City without consideration all right, title, and interest of the United States in and to the parcels of Federal land described in subsection (b) for expansion of roadway.

(b) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in subsection (a) is depicted as ''Proposed Land Transfer'' on the map entitled ''Carson City OPLMA Lands'' and dated February 28, 2019.

(c) COSTS.—Any costs relating to the conveyance authorized under subsection (a), including any costs for surveys and other administrative costs, shall be paid by the city.

(d) REVERSION.—If the land conveyed under subsection (a) is used in a manner inconsistent with subsection (a), the Federal land shall, at the discretion of the Secretary, revert to the United States.

SEC. 5504. AMENDMENT TO REVERSIONARY INTERESTS.

(a) SALE OR LEASE OF LAND TO THIRD PARTIES.—Section 2601(b)(4) of Public Law 111–11 (123 Stat. 1111) is amended by inserting after subparagraph (D) the following:

''(E) SALE OR LEASE OF LAND TO THIRD PARTIES.—The City may enter into an agreement to sell, lease, or otherwise convey all or part of the land described in subparagraph (D) to third parties for public purposes.''.

(b) CONDITIONS.—The sale of any land under the amendment made by subsection (a) shall be for not less than fair market value.

SEC. 5505. DISPOSAL OF FEDERAL LAND.

(a) DISPOSAL.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall dispose of the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the approximately 28 acres depicted as ''Lands for BLM Disposal'' on the map entitled ''Carson City OPLMA Lands'' and dated 2018.

(c) COSTS.—Any costs relating to the disposal under subsection (a), including costs of surveys and administrative costs, shall be paid by the party entering into the disposal agreement with the Bureau of Land Management for the land described in subsection (b).

(d) CONDITIONS.—Upon disposal, the City shall retain—

(1) a public utility easement concurrent with Koontz Lane and Conti Drive, which provides waterlines and access to the water tank immediately east of the subject parcels; and

(2) an existing drainage easement for a future detention basin located on APN 010–152–06 depicted as ''Lands for BLM Disposal'' on the map entitled ''Carson City OPLMA Lands'' and dated 2018.

SEC. 5506. TRANSFER OF LAND TO THE UNITED STATES.

(a) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act, the City shall convey all right and title of the land described in subsection (b) to the Secretary of the Interior.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the approximately 17 acres depicted as ''Lands for Disposal'' on the map entitled ''Carson City OPLMA Lands'' and dated 2018.

(c) DISPOSAL.—Subject to valid existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary of the Interior shall dispose of the land described in subsection (b).

(d) COSTS.—

(1) COSTS RELATED TO DISPOSAL.—Any costs relating to the disposal under subsection (c), including costs of surveys and administrative costs, shall be paid by the party entering into the disposal agreement with the Bureau of Land Management for the land described in subsection (b).

(2) COSTS RELATED TO CONVEYANCE.—Any costs relating to the conveyance under subsection (a), including costs of surveys and administrative costs, shall be paid by the City and is eligible for reimbursement through the account as described in section 5507(a).

(e) CONDITIONS.—Upon disposal, the City shall retain—

(1) access and a public utility easement on APN 010–252–02 for operation and maintenance of a municipal well; and

(2) a public right-of-way for Bennet Avenue.

SEC. 5507. DISPOSITION OF PROCEEDS.

(a) DISPOSITION OF PROCEEDS.—The proceeds from the sale of land under sections 5502 , 5503, 5504, and 5505 and section 2601(e)(1)(B) of Public Law 111–11 (123 Stat. 1111) shall be deposited in a special account in the Treasury of the United States, to be known as the ''Carson City Special Account'', which shall be available to the Secretary in collaboration with and if approved

in writing by the Carson City Federal Land Collaboration Committee, for—

(1) the reimbursement of costs incurred by the Secretary in preparing for the sale of the land described in sections 5502, 5504, and 5505 and section 2601(e)(1)(B) of Public Law 111–11 (123 Stat. 1111), including—

(A) the costs of surveys and appraisals; and

(B) the costs of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(2) the reimbursement of costs incurred as described in paragraphs (3) through (8) by the City for land under sections 5502, 5503, 5504, and 5505 and section 2601(d) of Public Law 111–11 (123 Stat. 1111);

(3) the conduct of wildlife habitat conservation and restoration projects, including projects that benefit the greater sage-grouse in the City;

(4) the development and implementation of comprehensive, cost-effective, multijurisdictional hazardous fuels reduction and wildfire prevention and restoration projects in the City;

(5) the acquisition of environmentally sensitive land or interest in environmentally sensitive land in Carson City, Nevada;

(6) wilderness protection and processing wilderness designation, including the costs of appropriate fencing, signage, public education, and enforcement for the wilderness areas designated through this title;

(7) capital improvements administered by the Bureau of Land Management and the Forest Service in the City; and

(8) educational purposes specific to the City.

(b) INVESTMENT OF SPECIAL ACCOUNT.—Amounts deposited into the Carson City Special Account—

(1) shall earn interest in an amount determined by the Secretary of the Treasury, based on the current average market yield on outstanding marketable obligations of the United States of comparable maturities; and

(2) may be expended by the Secretary in accordance with this section.

(c) MANAGEMENT OF SPECIAL ACCOUNT.—The management and procedures thereof of the Carson City Special Account shall be determined by an intergovernmental agreement between the City and the Department of the Interior's Bureau of Land Management, Carson City office.

SEC. 5508. POSTPONEMENT; EXCLUSION FROM SALE.

Section 2601(d)(6) of Public Law 111–11 (123 Stat. 1113) is amended to read as follows:

''(6) DEADLINE FOR SALE.—Not later than 1 year after the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.''.

SA 6256. 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 end of subtitle D of title VI, add the following:

SEC. 632. AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE COMMISSARY AGENCY WORKING CAPITAL FUND.

(a) IN GENERAL.—There is authorized to be appropriated to the Defense Commissary Agency Working Capital Fund for fiscal year 2023 $550,000,000 in order to—

(1) combat food insecurity among members of the Armed Forces;

(2) address the impact of inflation on costs of food in commissaries; and

(3) eliminate the requirement to offset operational costs through higher grocery prices for commissary patrons.

(b) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by subsection (a) shall supplement and not supplant other amounts authorized to be appropriated to the Defense Commissary Agency Working Capital Fund.

SA 6257. 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 C of title XII, add the following:

SEC. 1239. AMENDMENTS TO AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002 RELATED TO INVESTIGATIONS OF ATROCITY CRIMES IN UKRAINE.

Section 2004(h) of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7423(h)) is amended—

(1) by striking ''AGENTS.—No agent'' and inserting the following: ''AGENTS.—

''(1) IN GENERAL.—No agent''; and

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

''(2) EXCEPTION.—The prohibition under paragraph (1) shall not apply with respect to investigative activities that—

''(A) relate solely to investigations of foreign persons suspected of atrocity crimes in Ukraine; and

''(B) are undertaken in coordination with the Attorney General.''.

SA 6258. 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 III, add the following:

SEC. 389. IMPROVEMENT OF EXISTING FACILITIES AND SERVICES FOR MILITARY WORKING DOGS.

(a) IN GENERAL.—The Secretary of Defense shall improve existing facilities and services for military working dogs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense $20,000,000 to carry out subsection (a).

SA 6259. 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—Implementation of an Enhanced Defense Partnership Between the United States and Taiwan

SEC. 1281. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise provided in this subtitle, the term ''appropriate committees of Congress'' means—

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

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

(C) the Committee on Appropriations of the Senate;

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

(E) the Committee on Armed Services of the House of Representatives; and

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

(2) GOVERNMENT IN TAIWAN.—The term ''government in Taiwan'' means the national-level government and its administrative units at the municipal, county, and local levels in Taiwan, including its representatives overseas.

(3) PEOPLE'S LIBERATION ARMY; PLA.—The terms ''People's Liberation Army'' and ''PLA'' mean the armed forces of the People's Republic of China.

SEC. 1282. AMENDMENTS TO THE TAIWAN RELATIONS ACT.

(a) DECLARATION OF POLICY.—Section 2(b)(5) of the Taiwan Relations Act (22 U.S.C. 3301(b)(5)) is amended by inserting ''and arms conducive to deterring acts of aggression by the People's Liberation Army'' after ''arms of a defensive character''.

(b) PROVISION OF DEFENSE ARTICLES AND SERVICES.—Section 3(a) of the Taiwan Relations Act (22 U.S.C. 3302(a)) is amended by inserting ''and to implement a strategy to deny and deter acts of coercion or aggression by the People's Liberation Army'' after ''to maintain a sufficient self-defense capability''.

(c) RULE OF CONSTRUCTION.—Section 4 of the Taiwan Relations Act (22 U.S.C. 3303) is amended by adding at the end the following:

''(e) RULE OF CONSTRUCTION.—Nothing in this Act, nor the President's action in extending diplomatic recognition to the People's Republic of China, nor the absence of diplomatic relations between the people of Taiwan and the United States, and nor the lack of formal recognition of Taiwan by the United States, and any related circumstances, may be construed to constitute a legal or practical obstacle to any otherwise lawful action of the President or of any United States Government agency that is needed to advance or protect United States interests pertaining to Taiwan, including actions intended to strengthen security cooperation between the United States and Taiwan or to otherwise deter the use of force against Taiwan by the People's Liberation Army.''.

SEC. 1283. ANTICIPATORY PLANNING AND ANNUAL REVIEW OF THE UNITED STATES' STRATEGY TO DETER THE USE OF FORCE BY THE PEOPLE'S REPUBLIC OF CHINA TO CHANGE THE STATUS QUO OF TAIWAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 10 years, the Secretary of Defense shall—

(1) conduct a classified review of the United States strategy to deter the use of force by the People's Republic of China to change the status quo of Taiwan; and

(2) share the results of such review with the Chairman and Ranking Member of the appropriate committees of Congress.

(b) ELEMENTS.—The review conducted pursuant to subsection (a) shall include—

(1) an assessment of Taiwan's current and near-term capabilities, United States force readiness, and the adequacy of the United States' strategy to deter the use of force by the People's Republic of China to change the status quo of Taiwan;

(2) a detailed strategy of deterrence and denial to defend Taiwan against aggression by the People's Liberation Army, including an effort to seize and hold the island of Taiwan;

(3) a comprehensive assessment of risks to the United States and United States' interests, including readiness shortfalls that pose strategic risk;

(4) a review of indicators of the near-term likelihood of the use of force by the People's Liberation Army against Taiwan; and

(5) a list of military capabilities, including capabilities that enable a strategy of deterrence and denial, that—

(A) would suit the operational environment and allow Taiwan to respond effectively to a variety of contingencies across all potential phases of conflict involving the People's Liberation Army; and

(B) would reduce the threat of conflict, deter the use of force by the People's Republic of China, thwart an invasion, and mitigate other risks to the United States and Taiwan.

SEC. 1284. JOINT ASSESSMENT.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Defense, shall establish and maintain a joint consultative mechanism with Taiwan that convenes on a recurring basis—

(1) to develop a joint assessment of, and coordinate planning with respect to, the threats Taiwan faces from the People's Republic of China across the spectrum of possible military action; and

(2) to identify nonmaterial and material solutions to deter and, if necessary, defeat such threats.

(b) INTEGRATED PRIORITIES LIST.—In carrying out subsection (a), the Secretary of Defense, in consultation with the Secretary of State, shall develop with Taiwan—

(1) an integrated priorities list;

(2) relevant plans for acquisition and training for relevant nonmaterial and material solutions; and

(3) other measures to appropriately prioritize the defense needs of Taiwan to maintain effective deterrence across the spectrum of possible military action by the People's Republic of China.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of Defense, in consultation with the Secretary of State, shall submit a report to the appropriate committees of Congress that describes the joint assessment developed pursuant to subsection (a)(1).

SEC. 1285. MODERNIZING TAIWAN'S SECURITY CAPABILITIES TO DETER AND, IF NECESSARY, DEFEAT AGGRESSION BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) TAIWAN SECURITY PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall use the authorities under this section to strengthen the United States-Taiwan defense relationship, and to support the acceleration of the modernization of Taiwan's defense capabilities.

(b) ANNUAL REPORT ON ADVANCING THE DEFENSE OF TAIWAN.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—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) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 7 years, the Secretary of State and the Secretary of Defense shall jointly submit a report to the appropriate congressional committees that describes steps taken to enhance the United States-Taiwan defense relationship and Taiwan's modernization of its-defense capabilities.

(3) MATTERS TO BE INCLUDED.—Each report required under paragraph (2) shall include—

(A) an assessment of the commitment of Taiwan to implement a military strategy that will deter and, if necessary, defeat military aggression by the People's Republic of China, including the steps that Taiwan has taken and the steps that Taiwan has not taken towards such implementation;

(B) an assessment of the efforts of Taiwan to acquire and employ within its forces counterintervention capabilities, including—

(i) long-range precision fires;

(ii) integrated air and missile defense systems;

(iii) anti-ship cruise missiles;

(iv) land-attack cruise missiles;

(v) coastal defense;

(vi) anti-armor;

(vii) undersea warfare;

(viii) survivable swarming maritime assets;

(ix) manned and unmanned aerial systems;

(x) mining and countermining capabilities;

(xi) intelligence, surveillance, and reconnaissance capabilities;

(xii) command and control systems; and

(xiii) any other defense capabilities that the United States and Taiwan jointly determine are crucial to the defense of Taiwan, in accordance with the process developed pursuant to section 5203(a);

(C) an evaluation of the balance between conventional and counter intervention capabilities in the defense force of Taiwan as of the date on which the report is submitted;

(D) an assessment of steps taken by Taiwan to enhance the overall readiness of its defense forces, including—

(i) the extent to which Taiwan is requiring and providing regular and relevant training to such forces;

(ii) the extent to which such training is realistic to the security environment that Taiwan faces; and

(iii) the sufficiency of the financial and budgetary resources Taiwan is putting toward readiness of such forces;

(E) an assessment of steps taken by Taiwan to ensure that the Taiwan Reserve Command can recruit, train, and equip its forces;

(F) an evaluation of—

(i) the severity of manpower shortages in the military of Taiwan, including in the reserve forces;

(ii) the impact of such shortages in the event of a conflict scenario; and

(iii) the efforts made by the government in Taiwan to address such shortages;

(G) an assessment of the efforts made by Taiwan to boost its civilian defenses, including any informational campaigns to raise awareness among the population of Taiwan of the risks Taiwan faces;

(H) an assessment of the efforts made by Taiwan to secure its critical infrastructure, including in transportation, telecommunications networks, and energy;

(I) an assessment of the efforts made by Taiwan to enhance its cybersecurity, including the security of civilian government and military networks;

(J) an assessment of any significant gaps in any of the matters described in subparagraphs (A) through (I) with respect to which the United States assesses that additional action is needed;

(K) a description of cooperative efforts between the United States and Taiwan on the matters described in subparagraphs (A) through (J); and

(L) a description of any resistance within the government in Taiwan and the military leadership of Taiwan to—

(i) implementing the matters described in subparagraphs (A) through (I); or

(ii) United States' support or engagement with regard to such matters.

(4) FORM.—The report required under paragraph (2) shall be submitted in classified form, but shall include a detailed unclassified summary.

(5) SHARING OF SUMMARY.—The Secretary of State and the Secretary of Defense shall jointly share the unclassified summary required under paragraph (4) with the government and military of Taiwan.

(c) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of State, in consultation with the Secretary of Defense, shall use amounts authorized pursuant to subsection (i) to provide assistance to the government in Taiwan to achieve the purpose described in subsection (d).

(d) PURPOSE.—In addition to the purposes otherwise authorized for Foreign Military Financing programs under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the purpose of the Foreign Military Financing Program shall be to provide assistance, including equipment, training, and other support, to enable the Government and military of Taiwan—

(1) to accelerate the modernization of defense capabilities that will enable Taiwan to delay, degrade, and deny attempts by People's Liberation Army forces—

(A) to conduct coercive or grey zone activities;

(B) to achieve maritime control over the Taiwan Strait and adjoining seas;

(C) to secure a lodgment on any Taiwanese islands and expand or otherwise use such lodgment to seize control of a population center or other key territory in Taiwan; and

(2) to prevent the People's Republic of China from decapitating, seizing control of, or otherwise neutralizing or rendering ineffective the government in Taiwan.

(e) REGIONAL CONTINGENCY STOCKPILE.—Of the amounts authorized to be appropriated pursuant to subsection (i), not more than $100,000,000 may be used during each of the fiscal years 2023 through 2032 to maintain a stockpile (if established under section 5211), in accordance with section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), as amended by section 5211.

(f) AVAILABILITY OF FUNDS.—

(1) ANNUAL SPENDING PLAN.—Not later than December 1, 2022, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, shall submit a plan to the appropriate committees of Congress

describing how amounts authorized to be appropriated pursuant to subsection (i) will be used to achieve the purpose described in subsection (d).

(2) CERTIFICATION.—Amounts authorized to be appropriated for each fiscal year pursuant to subsection (i) shall be made available for the purpose described in such subsection after the Secretary of State certifies to the appropriate committees of Congress that Taiwan has increased its defense spending relative to Taiwan's defense spending in its prior fiscal year, excepting accounts in Taiwan's defense budget related to personnel expenditures, (other than military training and education and any funding related to the All-Out Defense Mobilization Agency).

(3) REMAINING FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts authorized to be appropriated for a fiscal year pursuant to subsection (i) that are not obligated and expended during such fiscal year shall be added to the amount that may be used for Foreign Military Financing to Taiwan in the subsequent fiscal year.

(B) RESCISSION.—Amounts appropriated pursuant to subsection (i) that remain unobligated on September 30, 2027 shall be rescinded and deposited into the general fund of the Treasury.

(g) DEFENSE ARTICLES AND SERVICES FROM THE UNITED STATES INVENTORY AND OTHER SOURCES.—

(1) IN GENERAL.—In addition to assistance provided pursuant to subsection (c), the Secretary of State, in coordination with the Secretary of Defense, may make available to the government in Taiwan, in such quantities as the Secretary of State considers appropriate for the purpose described in subsection (d)—

(A) weapons and other defense articles from the United States inventory and other sources; and

(B) defense services.

(2) REPLACEMENT.—The Secretary of State may use amounts authorized to be appropriated pursuant to subsection (i) for the cost of replacing any item provided to the government in Taiwan pursuant to paragraph (1)(A).

(h) FOREIGN MILITARY FINANCING LOAN AND LOAN GUARANTEE AUTHORITY.—

(1) DIRECT LOANS.—

(A) IN GENERAL.—Notwithstanding section 23(c)(1) of the Arms Export Control Act (22 U.S.C. 2763), during fiscal years 2023 through 2027, the Secretary of State may make direct loans available for Taiwan pursuant to section 23 of such Act.

(B) MAXIMUM OBLIGATIONS.—Gross obligations for the principal amounts of loans authorized under subparagraph (A) may not exceed $2,000,000,000.

(C) SOURCE OF FUNDS.—

(i) DEFINED TERM.—In this subparagraph, the term ''cost''—

(I) has the meaning given such term in section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5));

(II) shall include the cost of modifying a loan authorized under subparagraph (A); and

(III) may include the costs of selling, reducing, or cancelling any amounts owed to the United States or to any agency of the United States.

(ii) IN GENERAL.—Amounts authorized to be appropriated pursuant to subsection (i) may be made available to pay for the cost of loans authorized under subparagraph (A).

(D) FEES AUTHORIZED.—

(i) IN GENERAL.—The Government of the United States may charge fees for loans made pursuant to subparagraph (A), which shall be collected from borrowers through a financing account (as defined in section 502(7) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(7)).

(ii) LIMITATION ON FEE PAYMENTS.—Amounts made available under any appropriations Act for any fiscal year may not be used to pay any fees associated with a loan authorized under subparagraph (A).

(E) REPAYMENT.—Loans made pursuant to subparagraph (A) shall be repaid not later than 12 years after the loan is received by the borrower, including a grace period of not more than 1 year on repayment of principal.

(F) INTEREST.—

(i) IN GENERAL.—Notwithstanding section 23(c)(1) of the Arms Export Control Act (22 U.S.C. 2763(c)(1), interest for loans made pursuant to subparagraph (A) may be charged at a rate determined by the Secretary of State, except that such rate may not be less than the prevailing interest rate on marketable Treasury securities of similar maturity.

(ii) TREATMENT OF LOAN AMOUNTS USED TO PAY INTEREST.—Amounts made available under this paragraph for interest costs shall not be considered assistance for the purposes of any statutory limitation on assistance to a country.

(2) LOAN GUARANTEES.—

(A) IN GENERAL.—Amounts authorized to be appropriated pursuant to subsection (i) may be made available for the costs of loan guarantees for Taiwan under section 24 of the Arms Export Control Act (22 U.S.C. 2764) for Taiwan to subsidize gross obligations for the principal amount of commercial loans and total loan principal, any part of which may be guaranteed, not to exceed $2,000,000,000.

(B) MAXIMUM AMOUNTS.—A loan guarantee authorized under subparagraph (A)—

(i) may not guarantee a loan that exceeds $2,000,000,000; and

(ii) may not exceed 80 percent of the loan principal with respect to any single borrower.

(C) SUBORDINATION.—Any loan guaranteed pursuant to subparagraph (A) may not be subordinated to—

(i) another debt contracted by the borrower; or

(ii) any other claims against the borrower in the case of default.

(D) REPAYMENT.—Repayment in United States dollars of any loan guaranteed under this paragraph shall be required not later than 12 years after the loan agreement is signed.

(E) FEES.—Notwithstanding section 24 of the Arms Export Control Act (22 U.S.C. 2764), the Government of the United States may charge fees for loan guarantees authorized under subparagraph (A), which shall be collected from borrowers, or from third parties on behalf of such borrowers, through a financing account (as defined in section 502(7) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(7)).

(F) TREATMENTS OF LOAN GUARANTEES.—Amounts made available under this paragraph for the costs of loan guarantees authorized under subparagraph (A) shall not be considered assistance for the purposes of any statutory limitation on assistance to a country.

(3) NOTIFICATION REQUIREMENT.—Amounts appropriated to carry out this subsection may not be expended without prior notification of the appropriate committees of Congress.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for Foreign Military Financing, there is authorized to be appropriated to the Department of State for Taiwan Foreign Military Finance grant assistance—

(A) $250,000,000 for fiscal year 2023;

(B) $750,000,000 for fiscal year 2024;

(C) $1,500,000,000 for fiscal year 2025;

(D) $2,000,000,000 for fiscal year 2026; and

(E) $2,000,000,000 for fiscal year 2027.

(2) TRAINING AND EDUCATION.—Of the amounts authorized to be appropriated under paragraph (1), the Secretary of State shall use not less than $2,000,000 per fiscal year for 1 or more blanket order Foreign Military Financing training programs related to the defense needs of Taiwan.

(j) SUNSET PROVISION.—Assistance may not be provided under this section after September 30, 2032.

SEC. 1286. REQUIREMENTS REGARDING DEFINITION OF COUNTER INTERVENTION CAPABILITIES.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to ensure that requests by Taiwan to purchase arms from the United States are not prematurely rejected or dismissed before Taiwan submits a letter of request or other formal documentation, particularly when such requests are for capabilities that are not included on any United States Government priority lists of necessary capabilities for the defense of Taiwan; and

(2) to ensure close consultation among representatives of Taiwan, Congress, industry, and the Executive branch about requests referred to in paragraph (1) and the needs of Taiwan before Taiwan submits formal requests for such purchases.

(b) REPORTING REQUIREMENT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall jointly submit to the appropriate committees of Congress—

(1) a list of categories of counter intervention capabilities and a justification for each such category; and

(2) a description of the degree to which the United States has a policy of openness or flexibility for the consideration of capabilities that may not fall within the scope of counter intervention capabilities included in the list required under paragraph (1), due to potential changes, such as—

(A) the evolution of defense technologies;

(B) the identification of new concepts of operation or ways to employ certain capabilities; and

(C) other factors that might change assessments by the United States and Taiwan of what constitutes counter intervention capabilities.

(c) FORM.—The report required in this section shall be submitted in classified form.

SEC. 1287. COMPREHENSIVE TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary of State and the Secretary of Defense shall establish or expand a comprehensive training program with Taiwan designed to—

(1) achieve interoperability;

(2) familiarize the militaries of the United States and Taiwan with each other; and

(3) improve Taiwan's defense capabilities.

(b) ELEMENTS.—The training program should prioritize relevant and realistic training, including as necessary joint United States-Taiwan contingency tabletop exercises, war games, full-scale military exercises, and an enduring rotational United States military presence that assists Taiwan in maintaining force readiness and utilizing United States defense articles and services transferred from the United States to Taiwan.

(c) ANNUAL REPORT.—Not later than 90 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 Secretary of Defense, shall submit to the appropriate committees of Congress a classified report that describes all training provided to the armed forces of Taiwan in the prior fiscal year, including a description of how such training—

(1) achieved greater interoperability;
(2) familiarized the militaries of the United States and Taiwan with each other; and
(3) improved Taiwan's defense capabilities.

SEC. 1288. ASSESSMENT OF TAIWAN'S NEEDS FOR CIVILIAN DEFENSE AND RESILIENCE.

(a) ASSESSMENT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Secretary of State and the Secretary of Defense, in coordination with the Director of National Intelligence and other cabinet Secretaries, as appropriate, shall submit a written assessment, with a classified annex, of Taiwan's needs in the areas of civilian defense and resilience to the appropriate committees of Congress, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall—
(1) analyze the potential role of Taiwan's public and civilian assets in defending against various scenarios for foreign militaries to coerce or conduct military aggression against Taiwan;
(2) carefully analyze Taiwan's needs for enhancing its defensive capabilities through the support of civilians and civilian sectors, including—
(A) greater utilization of Taiwan's high tech labor force;
(B) the creation of clear structures and logistics support for civilian defense role allocation;
(C) recruitment and skills training for Taiwan's defense and civilian sectors;
(D) strategic stockpiling of resources related to critical food security and medical supplies; and
(E) other defense and resilience needs and considerations at the provincial, city, and neighborhood levels;
(3) analyze Taiwan's needs for enhancing resiliency among its people and in key economic sectors;
(4) identify opportunities for Taiwan to enhance communications at all levels to strengthen trust and understanding between the military, other government departments, civilian agencies and the general public, including—
(A) communications infrastructure necessary to ensure reliable communications in response to a conflict or crisis; and
(B) a plan to effectively communicate to the general public in response to a conflict or crisis; and
(5) identify the areas and means through which the United States could provide training, exercises, and assistance at all levels to support the needs discovered through the assessment and fill any critical gaps where capacity falls short of such needs.

(c) FORM OF REPORT.—Notwithstanding the classified nature of the assessment required under subsection (a), the assessment shall be shared with appropriate officials of the government in Taiwan to facilitate cooperation.

(d) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There is authorized to be appropriated to complete the assessment required under subsection (a) —
(A) $500,000 for the Department of State; and
(B) $500,000 for the Department of Defense.
(2) TRANSFER AUTHORITY.—The Secretary of State and the Secretary of Defense are authorized to transfer any funds appropriated to their respective departments pursuant to paragraph (1) to the Director of National Intelligence for the purposes of facilitating the contributions of the intelligence community to the assessment required under subsection (a).

SEC. 1289. PRIORITIZING EXCESS DEFENSE ARTICLE TRANSFERS FOR TAIWAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should appropriately prioritize the review of excess defense article transfers to Taiwan.

(b) FIVE-YEAR PLAN.—Not later than 90 days after the date of the enactment of this Act, the President shall—
(1) develop a 5-year plan to appropriately prioritize excess defense article transfers to Taiwan; and
(2) submit a report to the appropriate committees of Congress that describes such plan.

(c) REQUIRED COORDINATION.—The United States Government shall coordinate and align excess defense article transfers with capacity building efforts of Taiwan.

(d) TRANSFER AUTHORITY.—
(1) IN GENERAL.—Section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)) is amended by striking ''and to the Philippines'' and inserting '', to the Philippines, and to Taiwan''.
(2) TREATMENT OF TAIWAN.—With respect to the transfer of excess defense articles under section 516(c)(2) of the Foreign Assistance Act of 1961, as amended by paragraph (1), Taiwan shall receive the same benefits as the other countries referred to in such section.

SEC. 1290. FAST-TRACKING SALES TO TAIWAN UNDER FOREIGN MILITARY SALES PROGRAM.

(a) PRECLEARANCE OF CERTAIN FOREIGN MILITARY SALES ITEMS.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense and in conjunction with coordinating entities such as the National Disclosure Policy Committee and the Arms Transfer and Technology Release Senior Steering Group, shall compile a list of available and emerging military platforms, technologies, and equipment that are pre-cleared and prioritized for sale and release to Taiwan through the Foreign Military Sales program.
(2) SELECTION OF ITEMS.—
(A) IN GENERAL.—The items pre-cleared for sale pursuant to paragraph (1) shall represent a full range of capabilities required to implement a strategy of denial informed by United States readiness and risk assessments and determined by Taiwan to be required for various wartime scenarios and peacetime duties.
(B) RULE OF CONSTRUCTION.—The list compiled pursuant to paragraph (1) shall not be construed as limiting the type, timing, or quantity of items that may be requested by, or sold to, Taiwan under the Foreign Military Sales program.
(C) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to supersede congressional notification requirements as required by the Arms Export Control Act (22 U.S.C. 2751 et. seq.) or any informal tiered review process for congressional notifications pertaining to Foreign Military Sales.

(b) PRIORITIZED PROCESSING OF FOREIGN MILITARY SALES REQUESTS FROM TAIWAN.—
(1) REQUIREMENT.—The Secretary of State and the Secretary of Defense shall prioritize and expedite the processing of requests from Taiwan under the Foreign Military Sales program, and may not delay the processing of requests for bundling purposes.
(2) DURATION.—The requirement under paragraph (1) shall continue until the Secretary of State determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the threat to Taiwan has significantly abated.

(c) PRIORITY PRODUCTION.—
(1) IN GENERAL.—Contractors awarded Department of Defense contracts to provide items for sale to Taiwan under the Foreign Military Sales program should expedite and prioritize the production of such items above the production of other items.
(2) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 10 years, the Secretary of State and the Secretary of Defense shall jointly submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives a report describing what actions the Department of State and the Department of Defense have taken or are planning to take to prioritize Taiwan's Foreign Military Sales cases, and current procedures or mechanisms for determining that a Foreign Military Sales case for Taiwan should be prioritized above a sale to another country of the same or similar item.

(d) INTERAGENCY POLICY.—The Secretary of State and the Secretary of Defense shall jointly review and update interagency policies and implementation guidance related to Foreign Military Sales requests from Taiwan, including incorporating the preclearance provisions of this section.

SEC. 1291. WHOLE-OF-GOVERNMENT DETERRENCE MEASURES TO RESPOND TO THE PEOPLE'S REPUBLIC OF CHINA'S FORCE AGAINST TAIWAN.

(a) WHOLE-OF-GOVERNMENT REVIEW.—Not later than 14 days after the date of the enactment of this Act, the President shall convene the heads of all relevant Federal departments and agencies to conduct a whole-of-government review of all available economic, diplomatic, and other strategic measures to deter the use of force by the People's Republic of China to change the status quo of Taiwan.

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of Commerce, the Director of National Intelligence, and any other relevant heads of Federal departments and agencies shall provide a detailed briefing to the appropriate committees of Congress regarding—
(1) all available economic, diplomatic, and other strategic measures to deter the use of force by the People's Republic of China, including coercion, grey-zone tactics, assertions, shows of force, quarantines, embargoes, or other measures to change the status quo of Taiwan;
(2) efforts by the United States Government to deter the use of force by the People's Republic of China to change the status quo of Taiwan; and
(3) progress to date of all coordination efforts between the United States Government and its allies and partners with respect to deterring the use of force to change the status quo of Taiwan.

(c) COORDINATED CONSEQUENCES WITH ALLIES AND PARTNERS.—The Secretary of State shall—
(1) coordinate with United States allies and partners to identify and develop significant economic, diplomatic, and other measures to deter the use of force by the People's Republic of China to change the status quo of Taiwan; and
(2) announce, in advance, the severe consequences that would take effect immediately after the People's Republic of China engaged in any such use of force.

(d) ASSIGNMENTS FOR DEFENSE ATTACHÉS.—The Secretary of State shall work with the Secretary of Defense to post resident Defense attachés in the Indo-Pacific region, particularly in locations where the People's Republic of China has a resident military attaché

and the United States does not have a comparable position.

(e) CLASSIFIED BRIEFINGS.—The briefings required under this section shall take place in a classified setting.

SEC. 1292. INCREASE IN ANNUAL REGIONAL CONTINGENCY STOCKPILE ADDITIONS AND SUPPORT FOR TAIWAN.

(a) IN GENERAL.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(b)(2)(A)) is amended by striking ''$200,000,000'' and all that follows and inserting ''$500,000,000 for any of the fiscal years 2023, 2024, or 2025.''.

(b) ESTABLISHMENT.—Subject to section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may establish a regional contingency stockpile for Taiwan that consists primarily of munitions.

(c) INCLUSION OF TAIWAN AMONG OTHER ALLIES ELIGIBLE FOR DEFENSE ARTICLES.—Chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) is amended—

(1) in section 514(c)(2) (22 U.S.C. 2321h(c)(2)), by inserting ''Taiwan,'' after ''Thailand,''; and

(2) in section 516(c)(2) (22 U.S.C. 2321j(c)(2)), by inserting ''to Taiwan,'' after ''major non-NATO allies on such southern and southeastern flank,''.

(d) ANNUAL BRIEFING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 7 years, the President shall provide a briefing to the appropriate committees of Congress regarding the status of a regional contingency stockpile established under subsection (b).

SEC. 1293. TREATMENT OF TAIWAN AS A MAJOR NON-NATO ALLY.

Notwithstanding any other provision of law, Taiwan shall be treated as though it were designated a major non-NATO ally, as defined in section 644(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(q) et seq.), for the purposes of the transfer or possible transfer of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), section 2350a of title 10, United States Code, the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other provision of law.

SEC. 1294. USE OF PRESIDENTIAL DRAWDOWN AUTHORITY TO PROVIDE SECURITY ASSISTANCE TO TAIWAN.

It is the sense of Congress that the President should use the presidential drawdown authority under sections 506(a) and 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a) and 2348a(c)) to provide security assistance and other necessary commodities and services to Taiwan in support of Taiwan's self-defense.

SEC. 1295. INTERNATIONAL MILITARY EDUCATION AND TRAINING COOPERATION WITH TAIWAN.

(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 promotes improved capabilities of the military forces of allied and friendly countries and closer cooperation between the United States Armed Forces and such military forces;

(2) it is in the national interest of the United States and consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) to further strengthen the military forces of Taiwan, particularly—

(A) to enhance the defensive capabilities of such forces; and

(B) to improve interoperability of such forces with the United States Armed Forces; and

(3) the government in Taiwan—

(A) should be authorized to participate in the International Military Education and Training program; and

(B) should encourage eligible officers and civilian leaders of Taiwan to participate in such training program and promote successful graduates to positions of prominence in the military forces of Taiwan.

(b) AUTHORIZATION OF PARTICIPATION OF TAIWAN IN THE INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM.—Taiwan is authorized to participate in the International Military Education and Training program for the following purposes:

(1) To train future leaders of Taiwan.

(2) To establish a rapport between the United States Armed Forces and the military forces of Taiwan to build partnerships for the future.

(3) To enhance interoperability and capabilities for joint operations between the United States and Taiwan.

(4) To promote professional military education, civilian control of the military, and protection of human rights in Taiwan.

(5) To foster a better understanding of the United States among individuals in Taiwan.

SEC. 1296. EXPEDITING DELIVERY OF ARMS EXPORTS TO TAIWAN AND UNITED STATES ALLIES IN THE INDO-PACIFIC.

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

(1) prioritizing the defense needs of United States allies and partners in the Indo-Pacific is a national security priority; and

(2) sustained support to key Indo-Pacific partners for interoperable defense systems is critical to preserve—

(A) the safety and security of American persons;

(B) the free flow of commerce through international trade routes;

(C) the United States commitment to collective security agreements, territorial integrity, and recognized maritime boundaries;

(D) United States values regarding democracy and commitment to maintaining a free and open Indo-Pacific; and

(E) Taiwan's defense capability.

(b) REPORT REQUIRED.—Not later than March 1, 2023, and annually thereafter for a period of five years, the Secretary of State, with the concurrence of the Secretary of Defense, shall transmit to the appropriate committees of Congress a report with respect to the transfer of all defense articles or defense services that have yet to be completed pursuant to the authorities provided by—

(1) section 3, 21, or 36 of the Arms Export Control Act (22 U.S.C. 2753, 2761, or 2776); or

(2) section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

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

(1) A list of all approved transfers of defense articles and services authorized by Congress pursuant to sections 25 and 36 of the Arms Export Control Act (22 U.S.C. 2765, 2776) with a total value of $25,000,000 or more, to Taiwan, Japan, South Korea, Australia, or New Zealand, that have not been fully delivered by the start of the fiscal year in which the report is being submitted.

(2) The estimated start and end dates of delivery for each approved and incomplete transfer listed pursuant to paragraph (1), including additional details and dates for any transfers that involve multiple tranches of deliveries.

(3) With respect to each approved and incomplete transfer listed pursuant to paragraph (1), a detailed description of—

(A) any changes in the delivery dates of defense articles or services relative to the dates anticipated at the time of congressional approval of the transfer, including specific reasons for any delays related to the United States Government, defense suppliers, or a foreign partner;

(B) the feasibility and advisability of providing the partner subject to such delayed delivery with an interim capability or solution, including drawing from United States stocks, and the mechanisms under consideration for doing so as well as any challenges to implementing such a capability or solution;

(C) authorities, appropriations, or waiver requests that Congress could provide to improve delivery timelines or authorize the provision of interim capabilities or solutions identified pursuant to subparagraph (B); and

(D) a description of which countries are ahead of Taiwan for delivery of each item listed pursuant to paragraph (1).

(4) A description of ongoing interagency efforts to support attainment of operational capability of the corresponding defense articles and services once delivered, including advance training with United States or armed forces of partner countries on the systems to be received. The description of any such training shall also include an identification of the training implementer.

(5) If a transfer listed pursuant to paragraph (1) has been terminated prior to the date of the submission of the report for any reason—

(A) the case information for such transfer, including the date of congressional notification, delivery date of the Letter of Offer and Acceptance (LOA), final signature of the LOA, and information pertaining to delays in delivering LOAs for signature;

(B) a description of the reasons for which the transfer is no longer in effect; and

(C) the impact this termination will have on the intended end-user and the consequent implications for regional security, including the impact on deterrence of military action by countries hostile to the United States, the military balance in the Taiwan Strait, and other factors.

(6) A separate description of the actions the United States is taking to expedite deliveries of defense articles and services to Taiwan, including in particular, whether the United States intends to divert defense articles from United States stocks to provide an interim capability or solution with respect to any delayed deliveries to Taiwan and the plan, if applicable, to replenish any such diverted stocks.

(7) A description of other potential actions already undertaken by or currently under consideration by the Department of State and the Department of Defense to improve delivery timelines for the transfers listed pursuant to paragraph (1).

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

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

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

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

SA 6260. 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 end of subtitle C of title VII, add the following:

SEC. 753. ACCESS TO ASSESSMENT AND TREATMENT FOR INDIVIDUALS IMPACTED BY RED HILL INCIDENT.

(a) ASSESSMENT.—At each military medical treatment facility in Hawaii, the Secretary of Defense shall provide to impacted individuals, subject to space availability, timely access for medical assessment.

(b) TREATMENT.—For each impacted individual diagnosed with a condition or affliction consistent with exposure to petroleum contaminated water, whether diagnosed under an assessment under subsection (a) or otherwise, the Secretary of Defense shall provide to the impacted individual, subject to space availability, treatment for the condition or affliction at a military medical treatment facility in Hawaii.

(c) DEFINITIONS.—In this section:

(1) IMPACTED INDIVIDUAL.—The term ''impacted individual'' means an individual who—

(A) at the time of the Red Hill Incident, lived or worked in a building or residence served by the community water system at Joint Base Pearl Harbor-Hickam, Oahu, Hawaii; and

(B) is not a beneficiary of the military health system.

(2) RED HILL INCIDENT.—The term ''Red Hill Incident'' means the release of fuel from the Red Hill Bulk Fuel Storage Facility, Oahu, Hawaii, into the sole-source basal aquifer located 100 feet below the facility, contaminating the community water system at Joint Base Pearl Harbor-Hickam on November 20, 2021.

SA 6261. 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 II, add the following:

SEC. 221. IMPROVEMENTS RELATING TO STEERING COMMITTEE ON EMERGING TECHNOLOGY AND NATIONAL SECURITY.

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

(1) in subsection (a), by striking ''may'' and inserting ''shall'';

(2) by redesignating subsection (e) and (f) as subsections (f) and (g), respectively;

(3) by inserting after subsection (d) the following:

''(e) REPORT ON COMPARATIVE CAPABILITIES OF ADVERSARIES WITH RESPECT TO LETHAL AUTONOMOUS WEAPON SYSTEMS.—

''(1) IN GENERAL.—Not later than December 31, 2023, and annually thereafter, the Steering Committee shall submit the appropriate congressional committees a report comparing the capabilities of the United States with the capabilities of adversaries of the United States with respect to weapon systems described in paragraph (3).

''(2) ELEMENTS.—The report required by paragraph (1) shall include—

''(A) for each weapon system described in subsection (c)—

''(i) an evaluation of spending by the United States and adversaries on such weapon system;

''(ii) an evaluation of the test infrastructure and workforce supporting such weapon system; and

''(iii) an evaluation of the quantity of such weapon system under development, developed, or deployed;

''(B) an assessment of the technological progress of the United States and adversaries on lethal fully automated weapon systems technology;

''(C) a description of the timeline for operational deployment of such technology by the United States and adversaries;

''(D) an assessment, conducted in coordination with the Director of National Intelligence, of the intent or willingness of adversaries to use such technology; and

''(E) the approval process of the United States for the development and deployment of lethal automated weapon systems.

''(3) WEAPON SYSTEMS DESCRIBED.—The weapon systems described in this subsection are the following:

''(A) Weapon systems with lethal, offensive capabilities that are fully-automated or have the potential to become fully-automated.

''(B) Weapon systems with targeting assist capabilities.

''(C) Automated systems with intelligence, surveillance, and reconnaissance capabilities.

''(4) FORM.—The report required by paragraph (1) shall be submitted in classified form.

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

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

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

and

(4) in subsection (f), as redesignated by paragraph (2)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

''(2) FULLY AUTOMATED; POTENTIAL TO BECOME FULLY AUTOMATED.—

''(A) FULLY AUTOMATED.—The term 'fully automated', with respect to a weapon system, means that the weapon system, once activated, can select and engage targets without further intervention by an operator, as defined in Department of Defense Directive 3000.09; or

''(B) POTENTIAL TO BECOME FULLY AUTOMATED.—The term 'potential to become fully automated', with respect to a weapon system, means that the weapon system has the potential to be deployed in a manner that would qualify as an autonomous weapon system under Department of Defense Directive 3000.09.''.

SA 6262. 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 XVI, add the following:

SEC. 1633. ASSESSMENT OF QUALITY OF DATA USED TO TRAIN ALGORITHMS FOR TARGET IDENTIFICATION.

(a) IN GENERAL.—Not later than December 31, 2023, the Secretary of Defense shall complete a comprehensive assessment of the quality of data and potential for racial bias of data labeling used to train algorithms for target identification and sensor processing and decision-making support.

(b) CONTENTS.—The assessment required by subsection (a) shall include an assessment of data used to train—

(1) target identification algorithms for Project Maven;

(2) intelligence, surveillance, and reconnaissance systems;

(3) weapon systems that have lethal, offensive strike capabilities that are autonomous or planned to become autonomous; and

(4) weapon systems subject to senior review under Department of Defense Directive 3000.09; and

(c) BRIEFING.—Not later than February 1, 2024, the Secretary shall brief the appropriate congressional committees on the completed assessment required by subsection (a) and recommendations how to improve the quality of the assessed data.

(d) DEFINITIONS.—In this section:

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

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

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

(2) AUTONOMOUS; PLANNED TO BECOME AUTONOMOUS.—

(A) AUTONOMOUS.—The term ''autonomous'', with respect to a weapon system, means that the weapon system, once activated, can select and engage targets without further intervention by an operator, as defined in Department of Defense Directive 3000.09; or

(B) PLANNED TO BECOME AUTONOMOUS.—The term ''planned to become autonomous'', with respect to a weapon system, means that the weapon system has the potential to be deployed in a manner that would qualify as an autonomous weapon system under Department of Defense Directive 3000.09.

(3) QUALITY OF DATA.—The term ''quality of data'' includes—

(A) the accuracy of data labeling;

(B) the condition of the data;

(C) the accuracy of data indexing;

(D) the suitability of the data for the intended task; and

(E) the freedom of the data from unintended bias.

SA 6263. 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 XVI, add the following:

SEC. 1633. FRAMEWORK FOR CONSISTENT DATA MANAGEMENT FOR ARTIFICIAL INTELLIGENCE TARGET IDENTIFICATION.

(a) IN GENERAL.—Not later than December 31, 2023, the Secretary of Defense shall develop and implement a framework for artificial intelligence and machine learning for intelligence, surveillance, reconnaissance, defense, and offensive purposes throughout the Department of Defense.

(b) CONTENTS.—The framework required by subsection (a) shall include—

(1) criteria for data reviewers to ensure data quality—

(A) suitability for training artificial intelligence; and

(B) such additional criteria as the Secretary determines necessary;

(2) a consistent development process and labeling procedures that adhere to the ethical principals for the use of artificial intelligence adopted by the Department, including the principles of responsibility, equitability, traceability, reliability, and governability; and

(3) processes for data input, evaluation, review, feedback, update, and oversight.

(c) BRIEFING.—Not later than February 1, 2024, the Secretary shall brief the appropriate congressional committees on the status of the development and implementation of the framework.

(d) DEFINITIONS.—In this section:

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

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

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

(2) DATA QUALITY.—The term ''data quality'' includes—

(A) the accuracy of data labeling;

(B) the condition of the data;

(C) the accuracy of data indexing;

(D) the suitability of the data for the intended task; and

(E) the freedom of the data from unintended bias.

SA 6264. 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 G of title X, add the following:

SEC. 1077. MALHEUR COUNTY, OREGON, GRAZING MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Land Management.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(3) COUNTY.—The term ''County'' means Malheur County, Oregon.

(4) FEDERAL LAND.—The term ''Federal land'' means land in the County managed by the Bureau.

(5) LONG-TERM ECOLOGICAL HEALTH.—The term ''long-term ecological health'', with respect to an ecosystem, means the ability of the ecological processes of the ecosystem to function in a manner that maintains the composition, structure, activity, and resilience of the ecosystem over time, including an ecologically appropriate diversity of plant and animal communities, habitats, and conditions that are sustainable through successional processes.

(6) LOOP ROAD.—

(A) IN GENERAL.—The term ''loop road'' means a route managed and maintained by the Bureau or the County, as applicable, for the purpose of providing directed tourism and educational opportunities in the County.

(B) INCLUSION.—The term ''loop road'' includes each of the roads described in subparagraphs (B) through (E) of subsection (e)(2).

(7) MALHEUR CEO GROUP.—The term ''Malheur CEO Group'' means the Malheur Community Empowerment for Owyhee Group established under subsection (c)(1).

(8) OPERATIONAL FLEXIBILITY.—The term ''operational flexibility'', with respect to grazing on the Federal land, means any approved seasonal adjustments of livestock positioning for the purposes of that grazing pursuant to a flexible grazing use authorized under the program.

(9) PROGRAM.—The term ''program'' means the Malheur County Grazing Management Program authorized under subsection (b)(1).

(10) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(11) STATE.—The term ''State'' means the State of Oregon.

(b) MALHEUR COUNTY GRAZING MANAGEMENT PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out a grazing management program on the Federal land, to be known as the ''Malheur County Grazing Management Program'', in accordance with the memorandum entitled ''Bureau of Land Management Instruction Memorandum 2018–109'', to provide to authorized grazing permittees and lessees increased operational flexibility to improve the long-term ecological health of the Federal land.

(2) PERMIT OPERATIONAL FLEXIBILITY.—

(A) FLEXIBLE GRAZING USE ALTERNATIVE FOR A GRAZING PERMIT OR LEASE.—For purposes of renewing a grazing permit or lease under the program, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary shall develop and analyze at least 1 alternative to provide operational flexibility in livestock grazing use to account for changing conditions.

(B) INTERIM FLEXIBLE GRAZING USE FOR A GRAZING PERMIT OR LEASE.—For purposes of using operational flexibility pending the renewal of a grazing permit or lease under the program, the Bureau may authorize temporary changes in livestock grazing use in accordance with applicable laws (including regulations) after providing notice to the applicable individuals and entities described in subparagraph (C).

(C) CONSULTATION.—The Secretary shall develop alternatives under subparagraph (A) in consultation with—

(i) the applicable grazing permittee or lessee;

(ii) affected Federal and State agencies;

(iii) the Malheur CEO Group;

(iv) other landowners in the affected allotment; and

(v) interested members of the public.

(D) MONITORING PLANS.—

(i) IN GENERAL.—The Secretary shall develop cooperative rangeland monitoring plans and rangeland health objectives to apply to actions taken under subparagraph (A) or (B) and to improve the long-term ecological health of the Federal land under the program, in consultation with grazing permittees or lessees and other individuals and entities described in subparagraph (C).

(ii) REQUIREMENTS.—A monitoring plan developed under clause (i) shall—

(I) identify situations in which providing operational flexibility in grazing permit or lease uses is appropriate to improve long-term ecological health of the Federal land;

(II) identify ways in which progress would be measured toward long-term ecological health of the Federal land;

(III) include—

(aa) a description of the condition standards for which the monitoring is tracking, including baseline conditions and desired outcome conditions;

(bb) a description of monitoring methods and protocols;

(cc) a schedule for collecting data;

(dd) an identification of the responsible party for data collection and storage;

(ee) an evaluation schedule;

(ff) a description of the anticipated use of the data;

(gg) provisions for adjusting any components of the monitoring plan; and

(hh) a description of the method to communicate the criteria for adjusting livestock grazing use; and

(IV) provide for annual reports on the effects of operational flexibility in grazing permit or lease uses under the program.

(E) TERMS AND CONDITIONS.—

(i) PREFERRED ALTERNATIVE.—If the Secretary determines that an alternative considered under the program that provides operational flexibility is the preferred alternative, the Secretary shall incorporate the alternative, including applicable monitoring plans developed under subparagraph (D), into the terms and conditions of the applicable grazing permit or lease.

(ii) ADJUSTMENTS.—Before implementing any measure for purposes of operational flexibility with respect to a grazing use authorized under the terms and conditions of a permit or lease with respect to which an alternative has been incorporated under clause (i), the grazing permittee or lessee shall notify the Secretary in writing of the proposed adjustment.

(iii) ADDITIONAL REQUIREMENTS.—The Secretary may include any other requirements in a permit or lease with respect to which an alternative has been incorporated under clause (i) that the Secretary determines to be necessary.

(3) REVIEW; TERMINATION.—

(A) REVIEW.—

(i) IN GENERAL.—Subject to clause (ii), not earlier than the date that is 8 years after the date of enactment of this Act, the Secretary shall conduct a review of the program to determine whether the objectives of the program are being met.

(ii) NO EFFECT ON PROGRAM PERMITS AND LEASES.—The review of the program under clause (i) shall not affect the existence, renewal, or termination of a grazing permit or lease entered into under the program.

(B) TERMINATION.—If, based on the review conducted under subparagraph (A), the Secretary determines that the objectives of the program are not being met, the Secretary shall, on the date that is 10 years after the date of enactment of this Act—

(i) modify the program in a manner to ensure that the objectives of the program would be met; or

(ii) terminate the program.

(4) NO EFFECT ON GRAZING RIGHTS OR PRIVILEGES.—Nothing in this section—

(A) affects the rights or privileges provided under the Act of 10 June 28, 1934 (commonly known as the ''Taylor Grazing Act''; 43 U.S.C. 315 et seq.); or

(B) requires the Secretary to consider modifying or terminating the classification

of any existing grazing district on the Federal land in any subsequent plan or decision of the Secretary.

(c) MALHEUR COMMUNITY EMPOWERMENT FOR OWYHEE GROUP.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory group, to be known as the ''Malheur Community Empowerment for Owyhee Group''—

(A) to provide to the Secretary advice and recommendations relating to the implementation of actions proposed to be carried out under this section, including monitoring and operational flexibility of grazing use of the Federal land;

(B) to be listed as an interested party for pending Bureau management decisions on the Federal land under this section; and

(C) to provide advice and recommendations to the State and the County commissioners on economic development issues relating to the Federal land under this section.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Malheur CEO Group shall consist of—

(i) 8 voting members, to be appointed by the Secretary, based on recommendations from the Vale District Bureau manager and the County commissioners, of whom—

(I) 3 shall be representatives of grazing permittees and lessees in the County;

(II) 3 shall be representatives of other businesses or conservation or recreation organizations in the County, of whom at least 2 shall reside in the County;

(III) 1 shall be a representative of the Burns Paiute Tribe; and

(IV) 1 shall be a representative of the Fort McDermott Tribe; and

(ii) 4 nonvoting members, to be appointed by the Secretary, based on recommendations from the Vale District Bureau manager and the County commissioners, of whom—

(I) 1 shall be a representative of the Bureau Vale District;

(II) 1 shall be a representative of the United States Fish and Wildlife Service;

(III) 1 shall be a representative of the State; and

(IV) 1 shall be a representative of the County.

(B) APPOINTMENT.—

(i) INITIAL APPOINTMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the initial members of the Malheur CEO Group.

(ii) TERMS.—Each member of the Malheur CEO Group shall serve for a term of 3 years.

(iii) REAPPOINTMENT.—A member of the Malheur CEO Group may be reappointed for 1 or more additional 3-year terms.

(iv) VACANCIES.—A vacancy on the Malheur CEO Group shall be filled—

(I) as soon as practicable after the vacancy occurs; and

(II) in the same manner as the original appointment.

(C) COMPENSATION AND EXPENSES.—

(i) COMPENSATION.—Members of the Malheur CEO Group shall serve without compensation.

(ii) TRAVEL EXPENSES.—Each member of the Malheur CEO Group shall receive from the Secretary travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(D) CHAIRPERSON.—A chairperson shall be elected by a majority of the voting members of the Malheur CEO Group.

(E) SECRETARY.—The representative from the Bureau Vale District appointed under subparagraph (A)(ii)(I) shall be—

(i) the secretary and recordkeeper for the Malheur CEO Group; and

(ii) responsible for convening meetings of the Malheur CEO Group.

(3) DUTIES.—

(A) IN GENERAL.—The Malheur CEO Group shall—

(i) review any program project proposed to the Bureau by—

(I) a member of the Malheur CEO Group;

(II) a grazing permittee or lessee on the Federal land; or

(III) any other member of the public;

(ii) subject to subparagraph (B), propose program projects and funding recommendations to the Secretary under this subsection;

(iii) cooperate with appropriate officials of land management agencies in the County in recommending program projects consistent with purposes of this subsection;

(iv) review program monitoring data and, in accordance with this paragraph, recommend program project modifications, if appropriate; and

(v) provide frequent opportunities for citizens, organizations, Indian Tribes, land management agencies, and other interested parties to participate openly and meaningfully in program project development and implementation.

(B) PROJECTS PROPOSED TO SECRETARY.—The Malheur CEO Group may propose a program project to the Secretary if the program project has been approved by a majority of the members voting at an official meeting of the Malheur CEO Group.

(4) MEETINGS.—

(A) IN GENERAL.—A quorum is required for an official meeting of the Malheur CEO Group.

(B) BIANNUAL MEETINGS.—The Malheur CEO Group shall hold official meetings not less frequently than biannually.

(C) VIRTUAL MEETINGS.—An official meeting of the Malheur CEO Group may be held virtually.

(D) QUORUM.—A quorum of the Malheur CEO Group shall consist of a majority of the members of the Malheur CEO Group participating in person or virtually.

(E) OPEN MEETINGS.—Each meeting of the Malheur CEO Group shall—

(i) not later than the date that is 1 week before the date of the meeting, be announced—

(I) on the public website of the Bureau; and

(II) in a local newspaper of record, as determined by the Secretary; and

(ii) be held open to the public.

(F) RECORDS.—The secretary of the Malheur CEO Group described in paragraph (2)(E) shall—

(i) maintain records of each official meeting of the Malheur CEO Group; and

(ii) make the records maintained under clause (i) available for public inspection.

(5) BYLAWS.—

(A) IN GENERAL.—The members of the Malheur CEO Group shall establish bylaws for the Malheur CEO Group.

(B) REQUIREMENT.—Bylaws may be established under subparagraph (A) on approval by a majority of the members of the Malheur CEO Group.

(6) CONSULTATION.—During any period in which the program and the Malheur CEO Group are in existence, the Secretary shall consult with the Malheur CEO Group—

(A) not less frequently than once every 60 days; or

(B) as otherwise agreed to by—

(i) the Secretary; and

(ii) the Malheur CEO Group.

(7) FACA APPLICABILITY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Malheur CEO Group.

(8) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this subsection $51,000 for each of fiscal years 2023 through 2027.

(B) ADMINISTRATIVE COSTS.—Of the amounts made available under subparagraph (A), not more than 10 percent may be used for administrative costs relating to the Malheur CEO Group.

(d) LAND DESIGNATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) MAP.—The term ''Map'' means the map entitled ''Proposed Wilderness Malheur County'' and dated November 6, 2019.

(B) WILDERNESS AREA.—The term ''wilderness area'' means a wilderness area designated by paragraph (2)(A).

(2) DESIGNATION OF WILDERNESS AREAS.—

(A) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the County comprising approximately 1,133,841 acres, as generally depicted on the Map, is designated as wilderness and as components of the National Wilderness Preservation System:

(i) FIFTEENMILE CREEK WILDERNESS.—Certain Federal land, comprising approximately 58,599 acres, as generally depicted on the Map, which shall be known as the ''Fifteenmile Creek Wilderness''.

(ii) OREGON CANYON MOUNTAINS WILDERNESS.—Certain Federal land, comprising approximately 57,891 acres, as generally depicted on the Map, which shall be known as the ''Oregon Canyon Mountains Wilderness''.

(iii) TWELVEMILE CREEK WILDERNESS.—Certain Federal land, comprising approximately 37,779 acres, as generally depicted on the Map, which shall be known as the ''Twelvemile Creek Wilderness''.

(iv) UPPER WEST LITTLE OWYHEE WILDERNESS.—Certain Federal land, comprising approximately 93,159 acres, as generally depicted on the Map, which shall be known as the ''Upper West Little Owyhee Wilderness''.

(v) LOOKOUT BUTTE WILDERNESS.—Certain Federal land, comprising approximately 66,194 acres, as generally depicted on the Map, which shall be known as the ''Lookout Butte Wilderness''.

(vi) MARY GAUTREAUX OWYHEE RIVER CANYON WILDERNESS.—Certain Federal land, comprising approximately 223,586 acres, as generally depicted on the Map, which shall be known as the ''Mary Gautreaux Owyhee River Canyon Wilderness''.

(vii) TWIN BUTTE WILDERNESS.—Certain Federal land, comprising approximately 18,135 acres, as generally depicted on the Map, which shall be known as the ''Twin Butte Wilderness''.

(viii) CAIRN ''C'' WILDERNESS.—Certain Federal land, comprising approximately 8,946 acres, as generally depicted on the Map, which shall be known as the ''Cairn 'C' Wilderness''.

(ix) OREGON BUTTE WILDERNESS.—Certain Federal land, comprising approximately 32,010 acres, as generally depicted on the Map, which shall be known as the ''Oregon Butte Wilderness''.

(x) DEER FLAT WILDERNESS.—Certain Federal land, comprising approximately 12,266 acres, as generally depicted on the Map, which shall be known as the ''Deer Flat Wilderness''.

(xi) SACRAMENTO HILL WILDERNESS.—Certain Federal, comprising approximately 9,568 acres, as generally depicted on the Map, which shall be known as the ''Sacramento Hill Wilderness''.

(xii) COYOTE WELLS WILDERNESS.—Certain Federal land, comprising approximately 7,147 acres, as generally depicted on the Map, which shall be known as the ''Coyote Wells Wilderness''.

(xiii) BIG GRASSEY WILDERNESS.—Certain Federal land, comprising approximately 45,192 acres, as generally depicted on the Map, which shall be known as the ''Big Grassey Wilderness''.

(xiv) LITTLE GROUNDHOG RESERVOIR WILDERNESS.—Certain Federal land, comprising approximately 5,272 acres, as generally depicted on the Map, which shall be known as the ''Little Groundhog Reservoir Wilderness''.

(xv) MARY GAUTREAUX LOWER OWYHEE CANYON WILDERNESS.—Certain Federal land, comprising approximately 79,947 acres, as generally depicted on the Map, which shall be known as the ''Mary Gautreaux Lower Owyhee Canyon Wilderness''.

(xvi) JORDAN CRATER WILDERNESS.—Certain Federal land, comprising approximately 31,141 acres, as generally depicted on the Map, which shall be known as the ''Jordan Crater Wilderness''.

(xvii) OWYHEE BREAKS WILDERNESS.—Certain Federal land, comprising approximately 29,471 acres, as generally depicted on the Map, which shall be known as the ''Owyhee Breaks Wilderness''.

(xviii) DRY CREEK WILDERNESS.—Certain Federal land, comprising approximately 33,209 acres, as generally depicted on the Map, which shall be known as the ''Dry Creek Wilderness''.

(xix) DRY CREEK BUTTES WILDERNESS.—Certain Federal land, comprising approximately 53,782 acres, as generally depicted on the Map, which shall be known as the ''Dry Creek Buttes Wilderness''.

(xx) UPPER LESLIE GULCH WILDERNESS.—Certain Federal land, comprising approximately 2,911 acres, as generally depicted on the Map, which shall be known as the ''Upper Leslie Gulch Wilderness''.

(xxi) SLOCUM CREEK WILDERNESS.—Certain Federal land, comprising approximately 7,528 acres, as generally depicted on the Map, which shall be known as the ''Slocum Creek Wilderness''.

(xxii) HONEYCOMBS WILDERNESS.—Certain Federal land, comprising approximately 40,099 acres, as generally depicted on the Map, which shall be known as the ''Honeycombs Wilderness''.

(xxiii) WILD HORSE BASIN WILDERNESS.—Certain Federal land, comprising approximately 18,381 acres, as generally depicted on the Map, which shall be known as the ''Wild Horse Basin Wilderness''.

(xxiv) QUARTZ MOUNTAIN WILDERNESS.—Certain Federal land, comprising approximately 32,781 acres, as generally depicted on the Map, which shall be known as the ''Quartz Mountain Wilderness''.

(xxv) THE TONGUE WILDERNESS.—Certain Federal land, comprising approximately 6,800 acres, as generally depicted on the Map, which shall be known as ''The Tongue Wilderness''.

(xxvi) BURNT MOUNTAIN WILDERNESS.—Certain Federal land, comprising approximately 8,109 acres, as generally depicted on the Map, which shall be known as the ''Burnt Mountain Wilderness''.

(xxvii) COTTONWOOD CREEK WILDERNESS.—Certain Federal land, comprising approximately 77,828 acres, as generally depicted on the Map, which shall be known as the ''Cottonwood Creek Wilderness''.

(xxviii) CASTLE ROCK WILDERNESS.—Certain Federal land, comprising approximately 6,151 acres, as generally depicted on the Map, which shall be known as the ''Castle Rock Wilderness''.

(xxix) WEST FORK BENDIRE WILDERNESS.—Certain Federal land, comprising approximately 10,519 acres, as generally depicted on the Map, which shall be known as the ''West Fork Bendire Wilderness''.

(xxx) BEAVER DAM CREEK WILDERNESS.—Certain Federal land, comprising approximately 19,080 acres, as generally depicted on the Map, which shall be known as the ''Beaver Dam Creek Wilderness''.

(B) MAPS AND LEGAL DESCRIPTIONS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a map and legal description of each wilderness area.

(ii) EFFECT.—Each map and legal description prepared under clause (i) shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(iii) PUBLIC AVAILABILITY.—The maps and legal descriptions prepared under clause (i) shall be on file and available for public inspection in the appropriate offices of the Bureau.

(C) MANAGEMENT.—

(i) IN GENERAL.—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(I) 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; and

(II) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(ii) GRAZING.—The Secretary shall allow the continuation of the grazing of livestock, including the maintenance, construction, or replacement of authorized supporting facilities, in the wilderness areas, if established before the date of enactment of this Act, in accordance with—

(I) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(II) 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).

(iii) FIRE MANAGEMENT AND RELATED ACTIVITIES.—The Secretary may carry out any activities in the wilderness areas that the Secretary determines to be necessary for the control of fire, insects, and diseases, in accordance with—

(I) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(II) 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).

(iv) ROADS ADJACENT TO WILDERNESS AREAS.—Nothing in this section requires the closure of any adjacent road outside the boundary of a wilderness area.

(3) MANAGEMENT OF LAND NOT DESIGNATED AS WILDERNESS.—

(A) RELEASE OF WILDERNESS STUDY AREA.—

(i) FINDING.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), any portion of the Federal land designated as a wilderness study area, as depicted on the Map, on the date of enactment of this Act that is not designated as wilderness by paragraph (2)(A) has been adequately studied for wilderness designation.

(ii) RELEASE.—Except as provided in subparagraph (B), the land described in clause (i)—

(I) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(II) shall be managed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), including any applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

(B) MANAGEMENT OF CERTAIN LAND WITH WILDERNESS CHARACTERISTICS.—Any portion of the Federal land that was previously determined by the Secretary to be land with wilderness characteristics that is not designated as wilderness by paragraph (2)(A) shall be managed by the Secretary in accordance with the applicable land use plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(e) ECONOMIC DEVELOPMENT.—

(1) DEFINITION OF MAP.—In this subsection, the term ''Map'' means the map entitled ''Lake Owyhee, Succor Creek, Birch Creek, and Three Forks Scenic Loops'' and dated November 6, 2019.

(2) LOOP ROADS REQUIREMENTS.—

(A) IN GENERAL.—The Secretary, in coordination with the County, shall work with Travel Oregon to establish the loop roads.

(B) OWYHEE DAM ROAD.—

(i) SAFETY UPGRADES.—

(I) IN GENERAL.—The Secretary shall seek to enter into an arrangement with the County to fund safety upgrades, in accordance with County road standards, to the Owyhee Dam Road to ensure access to the recreational opportunities of the Owyhee Reservoir, including improved signage and surfacing.

(II) DEADLINE FOR UPGRADES.—Any upgrades carried out with funds provided under subclause (I) shall be completed not later than 1 year after the date of enactment of this Act, weather permitting.

(III) COMPLIANCE WITH STANDARDS.—If the County receives any funds under this clause, the County shall ensure that, not later than 1 year after the date of enactment of this Act, weather permitting, the Owyhee Dam Road is in compliance with the applicable standards of—

(aa) the State;

(bb) the County; and

(cc) each affected County road district.

(ii) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under paragraph (6)(A), there is authorized to be appropriated to the Secretary to carry out clause (i) $6,000,000.

(C) SUCCOR CREEK SCENIC LOOP.—The Secretary shall work with the County on a plan to improve the Succor Creek Scenic Loop, as generally depicted on the Map, to accommodate visitors and residents.

(D) BIRCH CREEK SCENIC LOOP.—The Secretary shall work with the County on a plan to improve the Birch Creek Scenic Loop, as generally depicted on the Map, to accommodate visitors and residents.

(E) THREE FORKS SCENIC LOOP.—The Secretary shall work with the County on a plan to improve the Three Forks Scenic Loop, as generally depicted on the Map—

(i) to accommodate visitors and residents; and

(ii) to provide a connection to the Idaho Scenic Byway.

(3) IMPROVEMENTS TO STATE PARKS AND OTHER AMENITIES.—Not later than 180 days after the date of enactment of this Act—

(A) the Commissioner, in coordination with the Owyhee Irrigation District, shall work with Travel Oregon or the Oregon Parks and Recreation Department, as appropriate, to carry out a feasibility study regarding each of—

(i) the establishment of not more than 2 marinas on the Owyhee Reservoir;

(ii) improvements to existing Oregon State Parks bordering the Owyhee Reservoir;

(iii) the establishment of a network of hostelries in the County using former hotels and bunkhouses that are not currently in use;

(iv) improvements to private camps on the shore of the Owyhee Reservoir;

(v) the establishment of a dude ranch at Birch Creek; and

(vi) any other economic development proposals for the Owyhee Reservoir or the County; and

(B) the Secretary shall work with the County to carry out a feasibility study regarding the rails-to-trails project known as ''Rails to Trails: The Oregon Eastern Branch/The Oregon and Northwestern Railroad''.

(4) GATEWAY TO THE OREGON OWYHEE.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with Travel Oregon, shall complete a feasibility study on how best to market communities or sections of the County as the ''Gateway to the Oregon Owyhee''.

(5) JORDAN VALLEY AIRSTRIP IMPROVEMENTS TO SUPPORT FIREFIGHTING EFFORTS.—

(A) IN GENERAL.—The Secretary shall work with firefighting entities in the County to determine—

(i) the need for the use of the Jordan Valley Airstrip to support firefighting efforts; and

(ii) the conditions under which the Jordan Valley Airstrip may be used to support firefighting efforts.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Malheur CEO Group a report describing the need and conditions described in clauses (i) and (ii) of subparagraph (A), including methods by which to meet those conditions.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2023—

(A) to the Secretary—

(i) to carry out paragraph (2), $2,000,000;

(ii) to carry out paragraph (3)(B), $2,000,000;

(iii) to carry out paragraph (4), $500,000; and

(iv) to carry out paragraph (5), $500,000; and

(B) to the Commissioner to carry out paragraph (3)(A), $1,000,000.

(f) LAND CONVEYANCE TO BURNS PAIUTE TRIBE.—

(1) CONVEYANCE AND TAKING INTO TRUST.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) transfer to the Burns Paiute Tribe all right, title, and interest in and to the land in the State described in paragraph (2) for the purpose of protecting and conserving cultural and natural values and to be part of the reservation of the Burns Paiute Tribe; and

(B) take the land transferred under subparagraph (A) into trust for the benefit of the Burns Paiute Tribe.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1)(A) is the following, as depicted on the map entitled ''Malheur Reservation Paiute Indian Tribe Grant, Malheur, and Harney Counties, Oregon'' and dated March 15, 1958:

(A) JONESBORO RANCH.—The parcel commonly known as ''Jonesboro Ranch'', located approximately 6 miles east of Juntura, Oregon, consisting of 21,548 acres of Federal land, 6,686 acres of certain private land associated with the Jonesboro Ranch containing the pastures referred to as ''Saddle Horse'' and ''Trail Horse'', ''Indian Creek'', ''Sperry Creek'', ''Antelope Swales'', ''Horse Camp'', ''Dinner Creek'', ''Upper Hunter Creek'', and ''Tim's Peak'', and more particularly described as follows:

(i) T. 20 S., R. 38 E., secs. 25 and 36.

(ii) T. 20 S., R. 39 E., secs. 25–36.

(iii) T. 20 S., R. 40 E., secs. 30, 31, and 32.

(iv) T. 21 S., R. 39 E., secs. 1–18, 20–29, and 32–36.

(v) T. 21 S., R. 40 E., secs. 5–8, 17–19, 30, and 31.

(vi) T. 22 S., R. 39 E., secs. 1–5, 8, and 9.

(B) ROAD GULCH; BLACK CANYON.—The approximately 4,137 acres of State land containing the pastures referred to as ''Road Gulch'' and ''Black Canyon'' and more particularly described as follows:

(i) T. 20 S., R. 39 E., secs.10, 11, 15, 14, 13, 21–28, and 36.

(ii) T 20 S., R. 40 E., secs. 19, 30, 31, and 32.

(3) APPLICABLE LAW.—Land taken into trust under paragraph (1)(B) shall be administered in accordance with the laws (including regulations) generally applicable to property held in trust by the United States for the benefit of an Indian Tribe.

(4) MAP OF TRUST LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map depicting the land taken into trust under paragraph (1)(B).

(5) LAND EXCHANGE.—Not later than 3 years after the date of enactment of this Act, the Secretary shall seek to enter into an agreement with the State under which the Secretary would exchange Federal land for the portions of the area described in paragraph (2)(B) that are owned by the State.

(6) PAYMENT IN LIEU OF TAXES PROGRAM.—Any land taken into trust under paragraph (1)(B) shall be eligible for payments under the payment in lieu of taxes program established under chapter 69 of title 31, United States Code.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

(g) EFFECT ON TRIBAL RIGHTS AND CERTAIN EXISTING USES.—Nothing in this section, including any designation or nondesignation of land transferred into trust to be held by the United States for the benefit of the Burns Paiute Tribe under subsection (f)—

(1) alters, modifies, enlarges, diminishes, or abrogates rights secured by a treaty, statute, Executive order, or other Federal law of any Indian Tribe, including off-reservation reserved rights; or

(2) affects—

(A) existing rights-of-way; or

(B) preexisting grazing uses and existing water rights or mining claims, except as specifically negotiated between any applicable Indian Tribe and the Secretary.

SA 6265. 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 appropriate place in subtitle G of title X, insert the following:

SEC. 10___. ELIMINATING AGE REQUIREMENT FOR EXPUNGEMENT OF CERTAIN CONVICTIONS FOR SIMPLE POSSESSION OF CONTROLLED SUBSTANCES BY NONVIOLENT OFFENDERS.

Section 3607(c) of title 18, United States Code, is amended by striking ''and the person was less than twenty-one years old at the time of the offense,''.

SA 6266. 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 appropriate place in title II, insert the following:

SEC. _____. DATA REPOSITORIES TO FACILITATE THE DEVELOPMENT OF ARTIFICIAL INTELLIGENCE CAPABILITIES FOR THE DEPARTMENT OF DEFENSE.

Section 232 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 4001 note) is amended—

(1) in the section heading, by striking ''**PILOT PROGRAM ON DATA REPOSITORIES**'' and inserting ''**DATA REPOSITORIES**'';

(2) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT OF DATA REPOSITORIES.—The Secretary of Defense, acting through the official designated under subsection (b) of section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. note prec. 4061) (and such other officials as the Secretary determines appropriate), shall—

''(1) establish data repositories containing Department of Defense data sets relevant to the development of artificial intelligence software and technology; and

''(2) allow appropriate public and private sector organizations to access such data repositories for the purpose of developing improved artificial intelligence and machine learning software capabilities that may, as determined appropriate by the Secretary, be procured by the Department to satisfy Department requirements and technology development goals.'';

(3) in subsection (b), by striking ''If the Secretary of Defense carries out the pilot program under subsection (a), the data repositories established under the program'' and inserting ''The data repositories established under subsection (a)''; and

(4) by amending subsection (c) to read as follows:

''(c) BRIEFING.—Not later than July 1, 2023, the Secretary of Defense shall provide to the congressional defense committees a briefing on—

''(1) the types of information the Secretary determines are feasible and advisable to include in the data repositories established under subsection (a); and

''(2) the progress of the Secretary in establishing such data repositories.''.

SA 6267. 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. SENSE OF CONGRESS AND BRIEFING ON MULTINATIONAL FORCE AND OBSERVERS.

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

(1) the Multinational Force and Observers has helped strengthen stability and kept the peace in the Sinai Peninsula; and

(2) the United States should continue to maintain its strong support for the Multinational Force and Observers.

(b) BRIEFING.—Not later than 60 days before the implementation of any plan to move

a Multinational Force and Observer site, the Secretary of Defense shall brief the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on the resulting impact of such plan existing security arrangements between Israel and Egypt.

SA 6268. Ms. ROSEN (for herself, Mr. INHOFE, 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 appropriate place, insert the following:

SEC. ___. EDUCATION PROGRAM TO SUPPORT PRIMARY HEALTH SERVICE FOR UNDERSERVED POPULATIONS.

Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by adding at the end the following:

"SEC. 742. EDUCATION PROGRAM TO SUPPORT PRIMARY HEALTH SERVICE FOR UNDERSERVED POPULATIONS.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a grant program to award grants to public institutions of higher education located in a covered State to carry out the activities described in subsection (d) for the purposes of—

''(1) expanding and supporting education for medical students who are preparing to become physicians in a covered State; and

''(2) preparing and encouraging each such student training in a covered State to serve Tribal, rural, or medically underserved communities as a primary care physician after completing such training.

''(b) ELIGIBILITY.—In order to be eligible to receive a grant under this section, a public institution of higher education shall submit an application to the Secretary that includes—

''(1) a certification that such institution will use amounts provided to the institution to carry out the activities described in subsection (d); and

''(2) a description of how such institution will carry out such activities.

''(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to public institutions of higher education that—

''(1) are located in a State with not fewer than 2 federally recognized Tribes; and

''(2) demonstrate a public-private partnership.

''(d) AUTHORIZED ACTIVITIES.—An eligible entity that receives a grant under this section shall use the funds made available under such grant to carry out the following activities:

''(1) Support or expand community-based experiential training for medical students who will practice in or serve Tribal, rural, and medically underserved communities.

''(2) Develop and operate programs to train medical students in primary care services.

''(3) Develop and implement curricula that—

''(A) includes a defined set of clinical and community-based training activities that emphasize care for Tribal, rural, or medically underserved communities;

''(B) is applicable to primary care practice with respect to individuals from Tribal, rural, or medically underserved communities;

''(C) identifies and addresses challenges to health equity, including the needs of Tribal, rural, and medically underserved communities;

''(D) supports the use of telehealth technologies and practices;

''(E) considers social determinants of health in care plan development;

''(F) integrates behavioral health care into primary care practice, including prevention and treatment of opioid disorders and other substance use disorders;

''(G) promotes interprofessional training that supports a patient-centered model of care; and

''(H) builds cultural and linguistic competency.

''(4) Increase the capacity of faculty to implement the curricula described in paragraph (3).

''(5) Develop or expand strategic partnerships to improve health outcomes for individuals from Tribal, rural, and medically underserved communities, including with—

''(A) federally recognized Tribes, Tribal colleges, and Tribal organizations;

''(B) Federally-qualified health centers;

''(C) rural health clinics;

''(D) Indian health programs;

''(E) primary care delivery sites and systems; and

''(F) other community-based organizations.

''(6) Develop a plan to track graduates' chosen specialties for residency and the States in which such residency programs are located.

''(7) Develop, implement, and evaluate methods to improve recruitment and retention of medical students from Tribal, rural, and medically underserved communities.

''(8) Train and support instructors to serve Tribal, rural, and medically underserved communities.

''(9) Prepare medical students for transition into primary care residency training and future practice.

''(10) Provide scholarships to medical students.

''(e) GRANT PERIOD.—A grant under this section shall be awarded for a period of not more than 5 years.

''(f) GRANT AMOUNT.—Each fiscal year, the amount of a grant made to a public institution of higher education under this section shall be in amount that is not less than $1,000,000.

''(g) MATCHING REQUIREMENT.—Each public institution of higher education that receives a grant under this section shall provide, from non-Federal sources, an amount equal to or greater than 10 percent of the total amount of Federal funds provided to the institution each fiscal year during the period of the grant (which may be provided in cash or in kind).

''(h) DEFINITIONS.—In this section:

''(1) COVERED STATE.—The term 'covered State' means a State that is in the top quartile of States by projected unmet demand for primary care providers, as determined by the Secretary

''(2) FEDERALLY-QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given such term in section 1905(l)(2)(B) of the Social Security Act.

''(3) INDIAN HEALTH PROGRAM.—The term 'Indian health program' has the meaning given such term in section 4 of the Indian Health Care Improvement Act.

''(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965, provided that such institution is public in nature.

''(5) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' has the meaning given such term in section 799B.

''(6) RURAL HEALTH CLINIC.—The term 'rural health clinic' has the meaning given such term in section 1861(aa) of the Social Security Act.

''(7) RURAL POPULATION.—The term 'rural population' means the population of a geographical area located—

''(A) in a non-metropolitan county; or

''(B) in a metropolitan county designated as rural by the Administrator of the Health Resources and Services Administration.

''(8) TRIBAL POPULATION.—The term 'Tribal population' means the population of any Indian Tribe recognized by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2023 through 2025.''.

SA 6269. Ms. ROSEN (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 in title X, insert the following:

SEC. ___. SENSE OF CONGRESS THAT THE DEPARTMENT OF VETERANS AFFAIRS SHOULD BE PROHIBITED FROM DENYING HOME LOANS FOR VETERANS WHO LEGALLY WORK IN THE MARIJUANA INDUSTRY.

It is the sense of Congress that—

(1) veterans who have served our country honorably should not be denied access to Department of Veterans Affairs home loans on the basis of income derived from State-legalized cannabis activities;

(2) while the Department of Veterans Affairs has clarified that no statute or regulation specifically prohibits a veteran whose income is derived from State-legalized cannabis activities from obtaining a certificate of eligibility for Department of Veterans Affairs home loan benefits, many veterans continue to be denied access to home loans on the basis of income derived from State-legalized cannabis activities; and

(3) the Department of Veterans Affairs should improve communication with eligible lending institutions to reduce confusion among lenders and borrowers on this matter.

SA 6270. Ms. ROSEN (for herself and Mrs. BLACKBURN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

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

After section 1112, insert the following:

SEC. 1112A. CIVILIAN CYBERSECURITY RESERVE PILOT PROJECT AT THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''Agency'' means the Cybersecurity and Infrastructure Security Agency.

(2) 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 Appropriations of the Senate;

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

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

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

(3) CIVILIAN CYBERSECURITY RESERVE.—The term ''Civilian Cybersecurity Reserve'' means the Civilian Cybersecurity Reserve at the Agency established under subsection (b).

(4) COMPETITIVE SERVICE.—The term ''competitive service'' has the meaning given the term in section 2102 of title 5, United States Code.

(5) DIRECTOR.—The term ''Director'' means the Director of the Agency.

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

(7) PILOT PROJECT.—The term ''pilot project'' means the pilot project established by subsection (b).

(8) SIGNIFICANT INCIDENT.—The term ''significant incident''—

(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

(i) the national security interests, foreign relations, or economy of the United States; or

(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

(B) does not include an incident or a portion of a group of related incidents that occurs on—

(i) a national security system, as defined in section 3552 of title 44, United States Code; or

(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

(9) TEMPORARY POSITION.—The term ''temporary position'' means a position in the competitive or excepted service for a period of 180 days or less.

(10) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given the term in section 2101 of title 5, United States Code.

(b) PILOT PROJECT.—There is established a pilot project under which the Director may establish a Civilian Cybersecurity Reserve at the Agency in accordance with subsection (c).

(c) CIVILIAN CYBERSECURITY RESERVE AT THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) PURPOSE.—The purpose of a Civilian Cybersecurity Reserve is to enable the Agency to effectively respond to significant incidents.

(2) ALTERNATIVE METHODS.—Consistent with section 4703 of title 5, United States Code, in carrying out the pilot project, the Director may, without further authorization from the Office of Personnel Management, provide for alternative methods of—

(A) establishing qualifications requirements for, recruitment of, and appointment to positions; and

(B) classifying positions.

(3) APPOINTMENTS.—Under the pilot project, upon occurrence of a significant incident, the Director—

(A) may activate members of the Civilian Cybersecurity Reserve by—

(i) noncompetitively appointing members of the Civilian Cybersecurity Reserve to temporary positions in the competitive service; or

(ii) appointing members of the Civilian Cybersecurity Reserve to temporary positions in the excepted service;

(B) shall notify Congress whenever a member is activated under subparagraph (A); and

(C) may appoint not more than 30 members to the Civilian Cybersecurity Reserve under subparagraph (A) at any time.

(4) STATUS AS EMPLOYEES.—An individual appointed under paragraph (3) shall be considered a Federal civil service employee under section 2105 of title 5, United States Code.

(5) ADDITIONAL EMPLOYEES.—Individuals appointed under paragraph (3) shall be in addition to any employees of the Agency who provide cybersecurity services.

(6) EMPLOYMENT PROTECTIONS.—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, continuation of benefits, and non-discrimination in reemployment of individuals appointed under paragraph (3), provided that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 38, United States Code.

(7) STATUS IN RESERVE.—During the period beginning on the date on which an individual is recruited by the Agency to serve in the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under paragraph (3), and during any period in between any such appointments, the individual shall not be considered a Federal employee.

(8) ELIGIBILITY; APPLICATION AND SELECTION.—

(A) IN GENERAL.—Under the pilot project, the Director shall establish criteria for—

(i) individuals to be eligible for the Civilian Cybersecurity Reserve; and

(ii) the application and selection processes for the Civilian Cybersecurity Reserve.

(B) REQUIREMENTS FOR INDIVIDUALS.—The criteria established under subparagraph (A)(i) with respect to an individual shall include—

(i) previous employment—

(I) by the executive branch;

(II) within the uniformed services;

(III) as a Federal contractor within the executive branch; or

(IV) by a State, local, Tribal, or territorial government;

(ii) if the individual has previously served as a member of the Civilian Cybersecurity Reserve, that the previous appointment ended not less than 60 days before the individual may be appointed for a subsequent temporary position in the Civilian Cybersecurity Reserve; and

(iii) cybersecurity expertise.

(C) PRESCREENING.—The Director shall—

(i) conduct a prescreening of each individual prior to appointment under paragraph (3) for any topic or product that would create a conflict of interest; and

(ii) require each individual appointed under paragraph (3) to notify the Director if a potential conflict of interest arises during the appointment.

(D) AGREEMENT REQUIRED.—An individual may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Director to become such a member, which shall set forth the rights and obligations of the individual and the Agency.

(E) EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.—A member of the Selected Reserve under section 10143 of title 10, United States Code, may not be a member of the Civilian Cybersecurity Reserve.

(F) PRIORITY.—In appointing individuals to the Civilian Cybersecurity Reserve, the Agency shall prioritize the appointment of individuals described in subclause (I) or (II) of subparagraph (B)(i) before considering individuals described in subclause (III) or (IV) of subparagraph (B)(i).

(G) PROHIBITION.—Any individual who is an employee of the executive branch may not be recruited or appointed to serve in the Civilian Cybersecurity Reserve.

(9) SECURITY CLEARANCES.—

(A) IN GENERAL.—The Director shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate personnel vetting and adjudication commensurate with the duties of the position, including a determination of eligibility for access to classified information where a security clearance is necessary, according to applicable policy and authorities.

(B) COST OF SPONSORING CLEARANCES.—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out the duties of the member, the Agency shall be responsible for the cost of sponsoring the security clearance of the member.

(10) STUDY AND IMPLEMENTATION PLAN.—

(A) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Director shall begin a study on the design and implementation of the pilot project, including—

(i) compensation and benefits for members of the Civilian Cybersecurity Reserve;

(ii) activities that members may undertake as part of their duties;

(iii) methods for identifying and recruiting members, including alternatives to traditional qualifications requirements;

(iv) methods for preventing conflicts of interest or other ethical concerns as a result of participation in the pilot project and details of mitigation efforts to address any conflict of interest concerns;

(v) resources, including additional funding, needed to carry out the pilot project;

(vi) possible penalties for individuals who do not respond to activation when called, in accordance with the rights and procedures set forth under title 5, Code of Federal Regulations; and

(vii) processes and requirements for training and onboarding members.

(B) IMPLEMENTATION PLAN.—Not later than one year after beginning the study required under subparagraph (A), the Director shall—

(i) submit to the appropriate congressional committees an implementation plan for the pilot project; and

(ii) provide to the appropriate congressional committees a briefing on the implementation plan.

(C) PROHIBITION.—The Director may not take any action to begin implementation of the pilot project until the Director fulfills the requirements under subparagraph (B).

(11) PROJECT GUIDANCE.—If the Director establishes the Civilian Cybersecurity Reserve, not later than two years after the date of the enactment of this Act, the Director shall, in consultation with the Office of Personnel Management and the Office of Government Ethics, issue guidance establishing and implementing the pilot project.

(12) BRIEFINGS AND REPORT.—

(A) BRIEFINGS.—Not later than one year after the date on which the Director issues

guidance establishing and implementing the pilot project under paragraph (11), and every year thereafter until the date on which the pilot project terminates under subsection (d), the Director shall provide to the appropriate congressional committees a briefing on activities carried out under the pilot project, including—

(i) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members;

(ii) an evaluation of the ethical requirements of the pilot project;

(iii) whether the Civilian Cybersecurity Reserve has been effective in providing additional capacity to the Agency during significant incidents; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(B) REPORT.—Not earlier than 180 days and not later than 90 days before the date on which the pilot project terminates under subsection (d), the Director shall submit to the appropriate congressional committees a report and provide a briefing on recommendations relating to the pilot project, including recommendations for—

(i) whether the pilot project should be modified, extended in duration, or established as a permanent program, and if so, an appropriate scope for the program;

(ii) how to attract participants, ensure a diversity of participants, and address any barriers to recruitment or retention of members of the Civilian Cybersecurity Reserve;

(iii) the ethical requirements of the pilot project and the effectiveness of mitigation efforts to address any conflict of interest concerns; and

(iv) an evaluation of the eligibility requirements for the pilot project.

(13) EVALUATION.—Not later than three years after the Civilian Cybersecurity Reserve is established under subsection (b), the Comptroller General of the United States shall—

(A) conduct a study evaluating the pilot project; and

(B) submit to Congress—

(i) a report on the results of the study; and

(ii) a recommendation with respect to whether the pilot project should be modified, extended in duration, or established as a permanent program.

(d) SUNSET.—The pilot project required under subsection (b) shall terminate on the date that is four years after the date on which the pilot project is established.

(e) NO ADDITIONAL FUNDS.—

(1) IN GENERAL.—No additional funds are authorized to be appropriated for the purpose of carrying out this section.

(2) EXISTING AUTHORIZED AMOUNTS.—Funds to carry out this section may, as provided in advance in appropriations Acts, only come from amounts authorized to be appropriated to the Agency.

SA 6271. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. GLOBAL ELECTORAL EXCHANGE PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Global Electoral Exchange Act''.

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

(1) recent elections globally have illustrated the urgent need for the promotion and exchange of international best election practices, particularly in the areas of cybersecurity, results transmission, transparency of electoral data, election dispute resolution, and the elimination of discriminatory registration practices and other electoral irregularities;

(2) the advancement of democracy worldwide promotes United States interests, as stable democracies provide new market opportunities, improve global health outcomes, and promote economic freedom and regional security;

(3) credible elections are the cornerstone of a healthy democracy and enable all persons to exercise their basic human right to have a say in how they are governed;

(4) inclusive elections strengthen the credibility and stability of democracies more broadly;

(5) at the heart of a strong election cycle is the professionalism of the election management body and an empowered civil society;

(6) the development of local expertise via peer-to-peer learning and exchanges promotes the independence of such bodies from internal and external influence; and

(7) supporting the efforts of peoples in democratizing societies to build more representative governments in their respective countries is in the national interest of the United States.

(c) ESTABLISHMENT.—The Secretary of State, working through the Coordinator of the Global Engagement Center, is authorized to establish, within the Global Engagement Center, the Global Electoral Exchange Program (referred to in this section as the ''Program'') to promote the utilization of sound election administration practices around the world.

(d) PURPOSE.—The purpose of the Program shall include the promotion and exchange of international best election practices, including in the areas of—

(1) cybersecurity;

(2) the protection of election systems against influence campaigns;

(3) results transmission;

(4) transparency of electoral data;

(5) election dispute resolution;

(6) the elimination of discriminatory registration practices and electoral irregularities;

(7) inclusive and equitable promotion of candidate participation;

(8) equitable access to polling places, voter education information, and voting mechanisms (including by persons with disabilities); and

(9) other sound election administration practices.

(e) EXCHANGE OF ELECTORAL AUTHORITIES.—

(1) IN GENERAL.—The Secretary of State, in consultation, as appropriate, with the Administrator of the United States Agency for International Development, may award grants to any United States-based organization that—

(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) has experience in, and a primary focus on, foreign comparative election systems or subject matter expertise in the administration or integrity of such systems; and

(C) submits an application in such form, and satisfying such requirements, as the Secretary may require.

(2) TYPES OF GRANTS.—An organization described in paragraph (1) may receive a grant under this subsection to design and implement programs that—

(A) bring to the United States election administrators and officials, including government officials, poll workers, civil society representatives, members of the judiciary, and others who participate in the organization and administration of public elections in a foreign country that faces challenges to its electoral process to study election procedures in the United States for educational purposes; or

(B) take election administrators and officials of the United States or of another country, including government officials, poll workers, civil society representatives, members of the judiciary, and others who participate in the organization and administration of public elections to another country to study and discuss election procedures in such country for educational purposes.

(3) LIMITS ON ACTIVITIES.—Activities administered under the Program may not—

(A) include observation of an election for the purposes of assessing the validity or legitimacy of that election;

(B) facilitate any advocacy for a certain electoral result by a grantee when participating in the Program; or

(C) be carried out without proper consultation with State and local authorities in the United States that administer elections.

(4) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should establish and maintain a network of Global Electoral Exchange Program alumni, to promote communication and further exchange of information regarding sound election administration practices among current and former Program participants.

(5) LIMITATION.—A recipient of a grant under the Program may only use such grant for the purpose for which such grant was awarded, unless otherwise authorized by the Secretary of State.

(6) NONDUPLICATIVE.—Grants made under this subsection may not be duplicative of any other grants made under any other provision of law for similar or related purposes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.

(g) CONGRESSIONAL OVERSIGHT.—Not later than 1 year after the date of the enactment of this Act and annually thereafter for the following 2 years, the Secretary of State shall provide a briefing to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the status of any activities carried out under this section during the preceding year, including—

(1) a summary of all exchanges conducted under the Program, including information regarding grantees, participants, and the locations where program activities were held;

(2) a description of the criteria used to select grantees under the Program; and

(3) recommendations for the improvement of the Program in furtherance of the purpose specified in subsection (d).

SA 6272. Ms. KLOBUCHAR (for herself and 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 appropriate place, insert the following:

SEC. ___. SPECIAL RESERVE ADJUSTMENT.

Section 20(a)(3) of Senate Resolution 70 (117th Congress), agreed to February 24, 2021, is amended by striking ''7 percent'' and inserting ''11 percent''.

SA 6273. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. TWO-WAY MILITARY BALLOT BARCODE TRACKING.

(a) IN GENERAL.—The Presidential Designee under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act shall conduct a pilot program to provide full ballot tracking of overseas military absentee ballots through the mail stream for elections for Federal office occurring during calendar year 2024.

(b) PILOT PROGRAM REQUIREMENTS.—The pilot program described under subsection (a) shall—

(1) be similar to the 2016 Military Ballot Tracking Pilot Program conducted by the Federal Voting Assistance Program of the Department of Defense;

(2) evaluate commercially available barcodes and envelopes;

(3) prioritize ballots cast in political subdivisions in which the State or local election official responsible for the receipt of voted absentee ballots in the election carries out procedures to track and confirm the receipt of such ballots and makes information on the receipt of such ballots available to the individual who cast the ballot;

(4) evaluate alternatives to ballots being mailed through countries that may not conduct scanning;

(5) be available to not less than 50,000 ballots of members of the Armed Forces; and

(6) include special, primary, and run off elections.

(c) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for the purpose of carrying out the program described in subsection (a).

SA 6274. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 589. STUDY ON IMPROVEMENT OF ACCESS TO VOTING FOR MEMBERS OF THE ARMED FORCES OVERSEAS.

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

(b) REPORT.—Not later than September 30, 2024, the Director shall submit to Congress a report on the results of the study conducted under subsection (a). The report shall include the following:

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

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

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

SA 6275. Ms. KLOBUCHAR (for herself and 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 subtitle G of title X, insert the following:

SEC. 10___. PROTECTING COVERED INFORMATION IN PUBLIC RECORDS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE SERGEANT AT ARMS.—The term ''applicable Sergeant at Arms'' means—

(A) with respect to a Member of the Senate, the Sergeant at Arms and Doorkeeper of the Senate; and

(B) with respect to a Member of, or Delegate or Resident Commissioner to, the House of Representatives, the Sergeant at Arms of the House of Representatives.

(2) AT-RISK INDIVIDUAL.—The term ''at-risk individual'' means—

(A) a Member of Congress;

(B) any individual who is the spouse, parent, sibling, or child of an individual described in subparagraph (A);

(C) any individual to whom an individual described in subparagraph (A) stands in loco parentis; or

(D) any other individual living in the household of an individual described in subparagraph (A).

(3) COVERED INFORMATION.—The term ''covered information''—

(A) means—

(i) a home address, including a 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 identifier of a vehicle owned, leased, or regularly used by an at-risk individual;

(vii) the identification of a child, who is under 18 years of age, of an at-risk individual;

(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 employment location by an at-risk individual; and

(B) does not include information regarding employment with a Government agency.

(4) 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 subject to the Gramm-Leach-Bliley Act (Public Law 106–102) and regulations implementing that Act.

(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).

(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) MEMBER OF CONGRESS.—The term ''Member of Congress'' means—

(A) a Member of the Senate; or

(B) a Member of, or Delegate or Resident Commissioner to, the House of Representatives.

(8) TRANSFER.—The term ''transfer'' means to sell, license, trade, or exchange for consideration the covered information of an at-risk individual or an immediate family member.

(b) 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 applicable Sergeant at Arms; 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 an immediate family member. Government agencies, upon receipt of a request under paragraph (1)(B), shall remove the covered information of the at-risk individual or any 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 an at-risk individual or an immediate family member to a third party if the third party—

(A) possesses a signed release from the at-risk individual or the immediate family member, respectively, 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.

(c) 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 SERGEANTS AT ARMS TO MAKE REQUESTS.—

(A) SERGEANTS AT ARMS.—Upon written request of a Member of Congress, the applicable Sergeant at Arms is authorized to make any notice or request required or authorized by this section on behalf of the Member of Congress. The notice or request shall include information necessary to ensure compliance with this section, as determined by the applicable Sergeant at Arms. Any notice or request made under this paragraph shall be deemed to have been made by the Member of Congress and comply with the notice and request requirements of this section.

(B) LIST.—In lieu of individual notices or requests, an applicable Sergeant at Arms may provide Government agencies, data brokers, persons, businesses, or associations with a list of Members of Congress and their immediate family members that includes information necessary to ensure compliance with this section, as determined by the applicable Sergeant at Arms for the purpose of maintaining compliance with this section. Such list shall be deemed to comply with individual notice and request requirements of this section.

(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 an immediate family member.

(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 an immediate family member if the at-risk individual has made a written request to that person, business, or association to not 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 an 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) 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)(i), 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)(i), 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) REDRESS.—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.

(f) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed—

(A) to prohibit, restrain, or limit—

(i) the lawful investigation or reporting by the press of any unlawful activity or misconduct alleged to have been committed by an at-risk individual or their immediate family member; or

(ii) the reporting on an at-risk individual or their immediate family member regarding matters of public concern;

(B) to impair access to the actions or statements of a Member of Congress in the course of carrying out the public functions of the Member of Congress;

(C) to limit the publication or transfer of covered information with the written consent of the at-risk individual or their immediate family member; or

(D) to prohibit information sharing by a data broker to a Federal, State, Tribal, or local government, or any unit thereof.

(2) PROTECTION OF COVERED INFORMATION.—This section shall be broadly construed to favor the protection of the covered information of at-risk individuals and their immediate family members.

SA 6276. 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. IMPROVEMENT OF TRANSITIONAL MENTAL HEALTH SCREENINGS AND CARE FOR MEMBERS OF THE ARMED FORCES.

(a) SCREENINGS.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that, for each member of the Armed Forces, including a member of a reserve component thereof, not later than 180 days before separation of such member from active duty, a mental health screening is provided to such member as part of a whole health screening.

(2) CONDUCT OF SCREENING.—The screening required under paragraph (1) shall be conducted by a primary care physician.

(3) ELEMENTS OF SCREENING.—The screening required under paragraph (1) shall include screening for, at a minimum, the following:

(A) Depression.

(B) Anxiety.

(C) Traumatic brain injury.

(D) Post-traumatic stress disorder.

(E) Substance abuse.

(4) TREATMENT OF ANNUAL ASSESSMENT.—The provision of an annual mental health assessment under section 1074n of title 10, United States Code, is not sufficient to fulfill the requirement for a mental health screening under paragraph (1).

(b) TRANSITION OF CARE.—The Secretary shall implement the requirements of Department of Defense Instruction 6490.10, entitled ''Continuity of Behavioral Health Care for Transferring and Transitioning Service Members'' and issued on March 26, 2012, to ensure the receipt of uninterrupted mental health care for members of the Armed Forces, including members of the reserve components thereof, separating from active duty.

SA 6277. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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 XXXI, add the following:

SEC. 31___. EXPORTATION OR IMPORTATION OF NATURAL GAS.

(a) FINDINGS.—Congress finds that—

(1) the exportation of natural gas produced in the United States is in the interest of the United States; and

(2) because natural gas produced in the United States has a lower greenhouse gas emissions profile than other energy sources used in high volumes in other countries, the exportation of natural gas from the United States may help lower global emissions of carbon dioxide.

(b) REGULATORY AUTHORITY CLARIFICATION.—Section 2(9) of the Natural Gas Act (15 U.S.C. 717a(9)) is amended by striking ''Power'' and inserting ''Energy Regulatory''.

(c) EXPORTATION OR IMPORTATION OF NATURAL GAS.—

(1) IN GENERAL.—Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended—

(A) by striking the section heading and all that follows through ''(a) After'' and inserting the following:

''SEC. 3. EXPORTATION OR IMPORTATION OF NATURAL GAS; LNG TERMINALS.

''(a) AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS.—

''(1) IN GENERAL.—After'';

(B) in subsection (a)—

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

(I) by striking the second sentence and inserting the following: ''The proposed exportation or importation shall be deemed to be consistent with the public interest, and the Commission shall issue such order upon application without modification or delay.''; and

(II) in the third sentence, by striking ''by its order'' and all that follows through the period at the end of the sentence and inserting ''condition the order on a requirement that the applicant, on request, provide relevant data to the Commission to facilitate the information collection and statistical activities of the Commission.''; and

(ii) by adding at the end the following:

''(2) PROHIBITIONS.—

''(A) PROHIBITION ON RESTRICTING NATURAL GAS IMPORTATION OR EXPORTATION.—Except as provided in paragraph (1) and subparagraph (C) or in any Federal authorization to export natural gas from the United States to a foreign country or to import natural gas into the United States from a foreign country in effect on the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, to promote the efficient exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including fossil fuels, no employee of the Federal Government shall impose or enforce any restriction or condition on—

''(i) the exportation of natural gas from the United States to a foreign country; or

''(ii) the importation of natural gas into the United States from a foreign country.

''(B) TREATMENT OF IMPORTED NATURAL GAS.—The Commission shall not treat, on the basis of national origin, any imported natural gas on an unjust, unreasonable, unduly discriminatory, or preferential basis.

''(C) PROHIBITION ON IMPORT FROM OR EXPORT TO CERTAIN NATIONS.—The export of natural gas to, or the import of natural gas from, a nation subject to sanctions imposed by the United States is prohibited.

''(3) CONSIDERATION OF EXPORTED NATURAL GAS AS A FIRST SALE.—The exportation of natural gas to a foreign country from the United States shall be considered to be a first sale (as defined in section 2 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301)).'';

(C) in subsection (e)—

(i) by striking ''(e)(1) The Commission'' and inserting the following:

''(e) LNG TERMINALS.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—Except for those matters deemed to be consistent with the public interest pursuant to subsection (a), the Commission'';

(ii) in paragraph (1)—

(I) in subparagraph (A) (as so designated), in the second sentence, by striking ''Except as'' and inserting the following:

''(C) EFFECT.—Except as''; and

(II) by inserting after subparagraph (A) (as so designated) the following:

''(B) APPROVAL.—

''(i) IN GENERAL.—The Commission shall issue an order approving an application for the siting, construction, expansion, or operation of an LNG terminal unless, after opportunity for hearing in accordance with paragraph (2), the Commission finds that the proposed siting, construction, expansion, or operation of the LNG terminal will not be consistent with the public interest.

''(ii) SUPPLEMENTAL ORDER.—The Commission may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental order in the premises as the Commission may find necessary or appropriate.'';

(D) by striking subsections (b) and (c); and

(E) by redesignating subsections (d) through (f) as subsections (b) through (d), respectively.

(2) EFFECT.—The amendments made by paragraph (1) shall not affect any Federal authorization to export natural gas from the United States to a foreign country or to import natural gas into the United States from a foreign country in effect on the date of enactment of this Act.

SA 6278. 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 appropriate place in subtitle G of title X, insert the following:

SEC. 10___. WATER QUALITY CERTIFICATION.

Section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by inserting ''by the applicant'' after ''any discharge''; and

(II) by inserting ''as a result of the federally licensed or permitted activity'' after ''into the navigable waters'';

(ii) in the second sentence, by striking ''activity'' and inserting ''discharge'';

(iii) in the third sentence, by striking ''applications'' each place it appears and inserting ''requests'';

(iv) in the fifth sentence, by striking ''act on'' and inserting ''grant or deny''; and

(v) by inserting after the fourth sentence the following: ''The certifying State, interstate agency, or Administrator shall publish the requirements for certification that meet the applicable provisions of sections 301, 302, 303, 306, and 307. The decision to grant or deny a request shall be based only on the applicable provisions of sections 301, 302, 303, 306, and 307 and the grounds for a decision shall be set forth in writing to the applicant.'';

(B) in paragraph (2)—

(i) in the second sentence—

(I) by striking ''such a discharge'' and inserting ''a discharge made into the navigable waters by the applicant as described in paragraph (1)'';

(II) by inserting ''receipt of the'' before ''notice''; and

(III) by striking ''of application for such Federal license or permit'' and inserting ''under the preceding sentence'';

(ii) in the third sentence—

(I) by striking ''such discharge'' and inserting ''any discharge made into the navigable waters by the applicant as described in paragraph (1)''; and

(II) by striking ''any water quality requirement'' and inserting ''the applicable provisions of sections 301, 302, 303, 306, and 307'';

(iii) in the fifth sentence, by striking ''insure compliance with applicable water quality requirements.'' and inserting ''ensure any discharge into the navigable waters by the applicant as described in paragraph (1) will comply with the applicable provisions of sections 301, 302, 303, 306, and 307.''; and

(iv) by striking the first sentence and inserting ''Not later than 90 days after receipt of a request for certification, the certifying State, interstate agency, or Administrator shall identify in writing all specific additional materials or information that are necessary to make a final decision on a request for certification. On receipt of a request for certification, the certifying State or interstate agency, as applicable, shall immediately notify the Administrator of the request.'';

(C) in paragraph (3)—

(i) in the first sentence, by striking ''there will be compliance'' and inserting ''a discharge made into the navigable waters by the applicant as described in paragraph (1) will comply''; and

(ii) in the second sentence—

(I) by striking ''section'' and inserting ''the applicable provisions of sections''; and

(II) by striking ''or 307 of this Act'' and inserting ''and 307'';

(D) in paragraph (4)—

(i) in the first sentence, by striking ''applicable effluent limitations'' and all that follows through the period at the end and inserting ''any discharge made by the applicant into the navigable waters as described in paragraph (1) will not violate the applicable provisions of sections 301, 302, 303, 306, and 307.'';

(ii) in the second sentence, by striking ''will violate applicable effluent limitations or other limitations or other water quality requirements such Federal'' and inserting ''will result in a discharge made into the navigable waters by the applicant as described in paragraph (1) that violates the applicable provisions of sections 301, 302, 303, 306, and 307, the Federal''; and

(iii) in the third sentence—

(I) by striking ''such facility or activity'' and inserting ''a discharge made by the applicant into the navigable waters as described in paragraph (1)''; and

(II) by striking ''section 301, 302, 303, 306, or 307 of this Act'' and inserting ''sections 301, 302, 303, 306, and 307''; and

(E) in paragraph (5)—

(i) by striking ''such facility or activity has been operated in'' and inserting ''any discharge made by the applicant into the navigable waters as described in paragraph (1) is in''; and

(ii) by striking ''section 301, 302, 303, 306, or 307 of this Act'' and inserting ''sections 301, 302, 303, 306, and 307'';

(2) in subsection (d), by striking ''assure that any applicant for a Federal license or permit will comply with any applicable'' and inserting the following: ''ensure that any discharge made by the applicant into the navigable waters as described in subsection (a)(1) shall comply with the applicable provisions of sections 301, 302, 303, 306, and 307. Any limitations or requirements in the preceding sentence shall become a condition on any Federal license or permit subject to the provisions of this section.

''(e) DEFINITION OF APPLICABLE PROVISIONS OF SECTIONS 301, 302, 303, 306, AND 307.—In this section, the term 'applicable provisions of sections 301, 302, 303, 306, and 307' means, as applicable,''; and

(3) in subsection (e) (as so redesignated)—

(A) by striking ''with'';

(B) by striking ''other appropriate''; and

(C) by striking ''set forth'' and all that follows through the period at the end and inserting ''implementing water quality criteria under section 303 necessary to support the specified designated use or uses of the receiving navigable water.''.

SA 6279. 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 XXXI, add the following:

SEC. 31____. FERC APPLICATIONS.

(a) IN GENERAL.—The following issuances by the Federal Energy Regulatory Commission shall have no force or effect until the date described in subsection (b):

(1) The updated policy statement entitled ''Updated Policy Statement on Certification of New Interstate Natural Gas Facilities'' (Docket No. PL18–1–000 (February 18, 2022)).

(2) The interim policy statement entitled ''Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews'' (Docket No. PL21–3–000 (February 18, 2022)).

(3) Any update to the policy statement entitled ''Certification of New Interstate Natural Gas Pipeline Facilities'' (Docket No. PL99–3–000 (September 15, 1999)).

(b) DATE DESCRIBED.—The date referred to in subsection (a) is the later of—

(1) the date on which the Electric Reliability Organization (as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a))) certifies that disruption to pipeline natural gas supplies does not pose material risk to power system reliability in any season of the year in the territory served by any regional reliability entity, including the Western Electricity Coordinating Council, the Midwest Reliability Organization, the Texas Reliability Entity, and the Northeast Power Coordinating Council; and

(2) the date on which, as determined by the Administrator of the Energy Information Administration, prices for natural gas and wholesale electricity do not exceed, for not fewer than 3 successive calendar quarters, the average of prices for natural gas and wholesale electricity that were in effect for calendar years 2018, 2019, and 2020.

(c) REQUIREMENT TO TIMELY PROCESS FERC APPLICATIONS.—Unless and until the conditions described in paragraphs (1) and (2) of subsection (b) are met, the Federal Energy Regulatory Commission shall timely process applications under section 3(e) and section 7 of the Natural Gas Act (15 U.S.C. 717b(e), 717f) pursuant to the Federal Energy Regulatory Commission policy statement entitled ''Certification of New Interstate Natural Gas Pipeline Facilities'' (Docket No. PL99–3–000 (September 15, 1999)).

(d) RIGHT TO SEEK RELIEF.—Any party aggrieved by the failure of the Federal Energy Regulatory Commission to process an application described in subsection (c) in a reasonable time period may seek equitable relief in any Federal court of competent jurisdiction.

SA 6280. 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 XXXI, add the following:

SEC. 31____. PROHIBITION ON EXPORT OF STRATEGIC PETROLEUM RESERVE PETROLEUM PRODUCTS TO CERTAIN COUNTRIES AND SALES TO CERTAIN STATE-OWNED ENTITIES.

Section 161(i) of the Energy Policy and Conservation Act (42 U.S.C. 6241(i)) is amended—

(1) by striking ''(i) Notwithstanding any other law'' and inserting the following:

''(i) REFINE OR EXCHANGE OUTSIDE THE UNITED STATES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(2) PROHIBITION ON EXPORT OF STRATEGIC PETROLEUM RESERVE PETROLEUM PRODUCTS TO CERTAIN COUNTRIES.—Notwithstanding any other provision of law, with respect to the drawdown and sale at auction of any petroleum products from the Reserve under this section after the date of enactment of this paragraph, the Secretary shall require, as a condition of the sale, that the petroleum products not be exported to a country that is designated as a country of particular concern for religious freedom under clause (ii) of section 402(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)(A)).

''(3) REQUIREMENTS APPLICABLE TO CERTAIN STATE-OWNED ENTITIES.—Notwithstanding any other provision of law, with respect to the drawdown and sale at auction of any petroleum products from the Reserve under this section after the date of enactment of this paragraph, if the Secretary determines that, as of the date of the auction, there is in effect a United States ban on, or the imposition of sanctions by the United States with respect to, the purchase of crude oil from 1 or more countries—

''(A) to be eligible to bid in the auction, a state-owned entity shall submit to the Secretary a certification that the state-owned entity has not purchased petroleum products from any country subject to such a ban or sanctions during the period in which the ban or sanctions were in effect; and

''(B) if the Secretary determines that a state-owned entity participating in the auction has purchased crude oil from a country subject to such a ban or sanctions during the period in which the ban or sanctions were in effect, the Secretary shall not sell petroleum products from the Reserve to the state-owned entity under the auction.''.

SA 6281. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ____. DISINTERMENTS FROM NATIONAL CEMETERIES.

(a) APPLICABILITY OF AUTHORITY TO RECONSIDER DECISIONS OF SECRETARY OF VETERANS AFFAIRS OR SECRETARY OF THE ARMY TO INTER THE REMAINS OR MEMORIALIZE A PERSON IN A NATIONAL CEMETERY.—

(1) IN GENERAL.—Section 2(c) of the Alicia Dawn Koehl Respect for National Cemeteries Act (Public Law 113–65; 38 U.S.C. 2411 note) is amended by striking ''after the date of the enactment of this Act'' and inserting ''after November 21, 1997''.

(2) CONGRESSIONAL NOTICES.—Upon becoming aware of a covered interment or memorialization—

(A) the Secretary of Veterans Affairs shall issue to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives written notice of such covered interment or memorialization; and

(B) the Secretary of the Army, in the case of a covered interment or memorialization in Arlington National Cemetery, shall issue to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives written notice of such covered interment or memorialization.

(3) COVERED INTERMENT OR MEMORIALIZATION DEFINED.—In this subsection, the term ''covered interment or memorialization'' means an interment or memorialization—

(A) in a national cemetery;

(B) between January 1, 1990, and November 21, 1997; and

(C) that would have been subject to section 2411 of title 38, United States Code, as amended by the Alicia Dawn Koehl Respect for National Cemeteries Act, if subsection 2(c) of such Act, as amended by paragraph (1) of this subsection, were amended by striking ''after November 21, 1997'' and inserting ''on or after January 1, 1990''.

(b) DISINTERMENT OF REMAINS OF ANDREW CHABROL FROM ARLINGTON NATIONAL CEMETERY.—

(1) DISINTERMENT.—Not later than September 30, 2023, the Secretary of the Army shall disinter the remains of Andrew Chabrol from Arlington National Cemetery.

(2) NOTIFICATION.—The Secretary of the Army may not carry out paragraph (1) until after notifying the next of kin of Andrew Chabrol.

(3) DISPOSITION.—After carrying out paragraph (1), the Secretary of the Army shall—

(A) relinquish the remains to the next of kin described in paragraph (2); or

(B) if no such next of kin responds to notification under paragraph (2) or such kin refuses to accept the remains, arrange for disposition of the remains as the Secretary of the Army determines appropriate.

SA 6282. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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—Say No to the Silk Road

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Say No to the Silk Road Act''.

SEC. 1282. DEFINITIONS.

In this subtitle:

(1) DIGITAL YUAN.—The term ''digital yuan'' means the sovereign digital currency of the People's Bank of China, or any successor sovereign digital currency of the People's Republic of China.

(2) NETWORK.—The term ''Network'' means the blockchain-based service network of the People's Republic of China.

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

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Finance, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Ways and Means of the House of Representatives.

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

SEC. 1283. REPORT ON THE NETWORK.

(a) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Defense and the Secretary of the Treasury, shall submit to the relevant congressional committees a report—

(1) on—

(A) the Network;

(B) the operations of the Network in the United States;

(C) the privacy implications of use of the Network in the United States or on United States servers; and

(D) the participation of companies headquartered in the United States and companies located in the United States in assisting with the operations of the Network or performing work to expand the Network, including—

(i) with respect to the applications or technical capabilities of the Network; and

(ii) the geographic scope of the Network, such as—

(I) expanding the Network to be used in the United States and countries that are allies and partners of the United States; and

(II) constructing data centers of the Network in the United States and countries that are allies and partners of the United States; and

(2) that includes—

(A) the goals of the Network in developing blockchain infrastructure;

(B) an assessment of whether the involvement in the Network of the Government of the People's Republic of China and entities owned by the Government of the People's Republic of China may pose any risk to economic and national security interests of the United States; and

(C) the privacy and security implications associated with the collection of data of citizens of the United States by the Network.

(b) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the relevant congressional committees recommendations relating to the report submitted under subsection (a).

SEC. 1284. REPORT ON TRADE ENFORCEMENT ACTIONS WITH RESPECT TO SOVEREIGN DIGITAL CURRENCY OF PEOPLE'S REPUBLIC OF CHINA.

Not later than 1 year after the date of the enactment of this Act, the United States Trade Representative, in consultation with the Secretary and the Secretary of the Treasury, shall submit to the relevant congressional committees a report—

(1) assessing how trade enforcement actions relating to the digital yuan would affect the United States; and

(2) making recommendations with respect to mitigating the effects of such actions.

SEC. 1285. REPORT ON EFFECT OF SOVEREIGN DIGITAL CURRENCY OF PEOPLE'S REPUBLIC OF CHINA ON TRADE AND INVESTMENT AGREEMENTS.

Not later than 1 year after the date of the enactment of this Act, the United States Trade Representative shall submit to the relevant congressional committees a report—

(1) assessing the ways in which shifts to the use of the digital yuan by other countries as a settlement or reserve currency could affect trade and investment agreements to which the United States is a party;

(2) assessing the ways in which shifts to the use of the digital yuan by international financial institutions to which the United States is a party could affect United States participation and financing; and

(3) making recommendations with respect to mitigating the effects of such shifts.

SEC. 1286. USE OF DIGITAL YUAN BY EXECUTIVE AGENCIES.

(a) DEFINITIONS.—In this section:

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

(2) INFORMATION TECHNOLOGY.—The term ''information technology'' has the meaning given that term in section 11101 of title 40, United States Code.

(b) USE OF DIGITAL YUAN.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code, shall develop strict guidance for executive agencies requiring adequate security measures for any transfer, storage, or use of digital yuan on information technology.

SEC. 1287. DEPARTMENT OF STATE WARNING ABOUT DANGERS OF DIGITAL YUAN.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall include on a publicly available internet website of the Department of State a warning to United States citizens traveling to the People's Republic of China about the privacy concerns, potential violations of United States trade and investment enforcement measures, financial instability, and other relevant dangers of using or storing the digital yuan.

SA 6283. Mrs. BLACKBURN (for herself and 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 end of subtitle G of title X, add the following:

SEC. 1077. ANNOUNCEMENT OF PAYMENT FOR BROADCAST.

Section 317(c) of the Communications Act of 1934 (47 U.S.C. 317(c)) is amended to read as follows:

''(c)(1) The licensee of each radio station shall exercise reasonable diligence to obtain information to enable such licensee to make the announcement required by this section.

''(2) In carrying out paragraph (1), the licensee of a radio station shall consult—

''(A) its employees;

''(B) other persons with whom it deals directly in connection with any program or program matter for broadcast; and

''(C) any additional source of information the Commission designates that may enable the licensee to verify whether the matter broadcast by the radio station was paid for or furnished by a foreign governmental entity.

''(3) The licensee of a radio station shall—

''(A) obtain the information required under paragraph (1)—

''(i) when the licensee enters into an agreement to lease time on the radio station; and

''(ii) when the licensee renews any agreement described in clause (i); and

''(B) keep a record of the information required under paragraph (1).

''(4) For purposes of this subsection—

''(A) the term 'agent of a foreign principal' means an agent of a foreign principal, as defined in section 1(c) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(c))—

''(i) that is registered as such with the Attorney General under section 2 of that Act (22 U.S.C. 612);

''(ii) if the agent's foreign principal—

''(I) is a government of a foreign country or a foreign political party; or

''(II) is directly or indirectly operated, supervised, directed, owned, controlled, financed, or subsidized by the government of a foreign country or a foreign political party; and

''(iii) that is acting in its capacity as an agent of such foreign principal described in clause (ii);

''(B) the term 'foreign governmental entity' includes—

''(i) the government of a foreign country;

''(ii) a foreign political party;

''(iii) an agent of a foreign principal; and

''(iv) a United States-based foreign media outlet (as defined in section 624);

''(C) the term 'foreign political party' has the meaning given the term in section 1(f) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(f)); and

''(D) the term 'government of a foreign country' has the meaning given the term in

section 1(e) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(e)).''.

SA 6284. Mrs. BLACKBURN (for herself 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 section 153, add the following:

(c) USE OF DEFENSE PRODUCTION ACT OF 1950 AUTHORITIES.—The Secretary of Defense shall use authorities provided under title I of the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.) to require the prioritization of the performance of contracts for nuclear modernization and hypersonic missile programs and projects.

SA 6285. 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 XII, add the following:

SEC. 1276. IMPOSITION OF SANCTIONS WITH RESPECT TO CHINESE AND RUSSIAN COMPANIES THAT SIGN CONTRACTS OR OTHERWISE DO BUSINESS WITH THE TALIBAN IN STRATEGIC RESOURCE SECTORS.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to any covered foreign entity that, on or after the date of the enactment of this Act—

(1) signs a contract with the Taliban with respect to a strategic resource sector; or

(2) otherwise agrees to do business with the Taliban in a strategic resource sector.

(b) SANCTIONS.—

(1) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a covered foreign entity described in subsection (a) 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.

(B) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of any regulation, license, or order issued to carry out subparagraph (A) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of that section.

(C) IMPLEMENTATION.—The President may exercise all authorities under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this paragraph.

(2) INCLUSION ON ENTITY LIST.—The President shall include any covered foreign entity described in subsection (a) on the entity list maintained by the Bureau of Industry and Security and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations.

(c) DEFINITIONS.—In this section:

(1) COVERED FOREIGN ENTITY.—The term ''covered foreign entity'' means—

(A) an entity organized under the laws of the People's Republic of China or the Russian Federation, including any jurisdiction within either such country; or

(B) a significant subsidiary (as defined in section 210.1–02(w) of title 17, Code of Federal Regulations, or successor regulations) of an entity described in subparagraph (A).

(2) CRITICAL MINERAL.—The term ''critical mineral'' means a critical mineral—

(A) included in the final list of critical minerals published by the Secretary of the Interior in the Federal Register on May 18, 2018 (83 Fed. Reg. 23295); or

(B) as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(3) STRATEGIC RESOURCE SECTOR.—The term ''strategic resource sector'' means a sector of the economy relating to trade or investment in any critical mineral.

(4) UNITED STATES PERSON.—the term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted to the United States for permanent residence; and

(B) an entity organized under the laws of the United States or any jurisdiction within the United States (including any foreign branch of such an entity).

SA 6286. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. 1074. ARMY FORCE STRUCTURE BRIEFINGS RELATED TO END-STRENGTH AND MODERNIZATION.

(a) BRIEFINGS REQUIRED.—The Secretary of the Army shall provide briefings to the Committees on Armed Services of the Senate and the House of Representatives on the following:

(1) Force structure adjustments and manning guidance the Army is considering or intends to mitigate the impact of end-strength shortages on force readiness.

(2) Force structure changes the Army is considering or intends to undertake to modernize the force to implement in the Army by 2030.

(3) Force design updates the Army is considering or intends to undertake for fires and air defense forces, aviation forces, armored forces including mechanized infantry, and logistics support to enable contested logistics operations in the Indo-Pacific theater.

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

(1) the assumptions and options being used to assess and guide analysis and decisions;

(2) options considered or being considered;

(3) analysis conducted or being conducted to inform decision making;

(4) a description of experimentation conducted or planned to inform or validate decisions; and

(5) other matters the Secretary of the Army believes appropriate.

(c) TIMING.—The briefings required under subsection (a) shall be provided to the Committees on Armed Services of the Senate and the House of Representatives not later than February 13, 2023, or 30 days prior to issuing or release of decision guidance, whichever comes earlier.

(d) RULE OF CONSTRUCTION.—Providing the briefings identified in subsection (a) shall not obviate the requirement to comply with other notification requirements related to force structure, stationing, or reductions.

SA 6287. 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 C of title VII, add the following:

SEC. 753. MODIFICATION OF LIMITATION ON DISCHARGE SOLELY ON THE BASIS OF FAILURE TO OBEY LAWFUL ORDER TO RECEIVE COVID–19 VACCINE.

Section 736(a) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 1161 note prec.) is amended by striking ''shall be'' and all that follows through the period at the end and inserting ''shall—

''(1) be an honorable discharge or a general discharge under honorable conditions; and

''(2) not include a separation code, narrative reason for separation, or any other remark on a certificate of release or discharge from active duty that prevents eligibility of the covered member for health benefits under section 1145 of title 10, United States Code.''.

SA 6288. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. DYSLEXIA.

(a) DEFINITIONS.—Section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401) is amended—

(1) in paragraph (3)(A), by striking ''or specific learning disabilities'' and inserting ''dyslexia, or specific learning disabilities'';

(2) by inserting after paragraph (3) the following:

''(4) DYSLEXIA.—The term 'dyslexia' means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.''; and

(3) in paragraph (30)—

(A) in subparagraph (B), by striking ''dyslexia,''; and

(B) in subparagraph (C)—

(i) by striking ''or of'' and inserting ''of''; and

(ii) by inserting before the period the following: '', or of dyslexia''.

(b) PROVISION OF ACCOMMODATIONS AND SERVICES.—The Individuals with Disabilities Education Act is amended by inserting after section 608 (20 U.S.C. 1407) the following:

''SEC. 608A. PROVISION OF ACCOMMODATIONS AND SERVICES.

''In determining eligibility for, or providing, an accommodation or service under this title, a local educational agency or other agency shall provide equal access, to the accommodation or service, to—

''(1) children from low-income families or from families with low socioeconomic status; and

''(2) other children.''.

SA 6289. Ms. MURKOWSKI (for herself and 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 G of title X, add the following:

SEC. 1077. DESIGNATION OF MOUNT YOUNG, ALASKA.

(a) DESIGNATION.—Not later than 30 days after the date of enactment of this Act, the Board on Geographic Names shall designate the 2,598-foot volcanic peak known as ''Mount Cerberus'' located at 51.93569°N, 179.5848°E, on Semisopochnoi Island in the State of Alaska as ''Mount Young''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the mountain peak described in subsection (a) shall be deemed to be a reference to ''Mount Young''.

SEC. 1078. DESIGNATION OF DON YOUNG ALASKA JOB CORPS CENTER.

(a) DESIGNATION.—The Job Corps center located at 800 East Lynn Martin Drive in Palmer, Alaska, shall be known and designated as the ''Don Young Alaska Job Corps Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Job Corps center described in subsection (a) shall be deemed to be a reference to the ''Don Young Alaska Job Corps Center''.

SEC. 1079. DESIGNATION OF DON YOUNG FEDERAL OFFICE BUILDING.

(a) DESIGNATION.—The Federal office building located at 101 12th Avenue in Fairbanks, Alaska, shall be known and designated as the ''Don Young Federal Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal office building described in subsection (a) shall be deemed to be a reference to the ''Don Young Federal Office Building''.

SA 6290. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4802, to authorize appropriations for the Coast Guard, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

In title III, strike subtitle E and insert the following:

Subtitle E—Illegal, Unreported, and Unregulated Fishing

SEC. 361. DEFINITIONS.

In this subtitle:

(1) FISH.—The term ''fish'' means all forms of marine animal and plant life other than marine mammals and birds, including finfish, mollusks, and crustaceans.

(2) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—The term ''illegal, unreported, or unregulated fishing'' has the meaning given that term in subpart N of part 300 of title 50, Code of Federal Regulations (or any successor regulation).

(3) SEAFOOD.—The term ''seafood'' means all marine animal and plant life meant for consumption as food other than marine mammals and birds, including fish, shellfish products, and processed fish.

(4) SEAFOOD FRAUD.—The term ''seafood fraud'' means the mislabeling or misrepresentation of the information required under this subtitle, any other Federal law (including regulations), or any international agreement pertaining to the import, export, transport, sale, harvest, processing, or trade of seafood, including—

(A) the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(B) the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.);

(C) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(D) the FDA Food Safety Modernization Act (Public Law 111–353);

(E) the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.);

(F) subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.);

(G) parts 60 and 65 of title 7, Code of Federal Regulations (or any successor regulations);

(H) part 123 of title 21, Code of Federal Regulations (or any successor regulations); and

(I) section 216.24 of title 50, Code of Federal Regulations (or any successor regulation).

(5) SEAFOOD IMPORT MONITORING PROGRAM.—The term ''Seafood Import Monitoring Program'' means the Seafood Traceability Program established in subpart Q of part 300 of title 50, Code of Federal Regulations (or any successor regulation).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration or a designee of either the Secretary or the Administrator.

(7) 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.

CHAPTER 1—SEAFOOD IMPORT MONITORING

SEC. 362. ASSESSMENT OF SPECIES FOR INCLUSION IN SEAFOOD IMPORT MONITORING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall conduct an evidence-based risk assessment to determine whether any species of fish should be added to the Seafood Import Monitoring Program—

(1) to reduce human trafficking in the international seafood supply chain;

(2) to reduce economic harm to the United States fishing industry;

(3) to preserve stocks of at-risk species around the world; and

(4) to protect United States consumers from seafood fraud.

(b) ELEMENTS.—

(1) IN GENERAL.—In addition to the matters described in paragraphs (1) through (4) of subsection (a), the risk assessment required by that subsection shall be based on the following elements relating to species of fish:

(A) Enforcement capability.

(B) Incidence of species misrepresentation or mislabeling.

(C) The existence of a catch documentation scheme.

(D) History of fishing violations.

(E) Complexity of chain of custody and processing.

(F) Human health risks.

(2) CONSIDERATION OF ELEMENTS.—The Secretary—

(A) shall consider all of the elements described in paragraph (1) when evaluating risk with respect to adding any species to the Seafood Import Monitoring Program;

(B) shall consider the interaction between those elements; and

(C) may not make a determination based solely on the presence or absence of one element.

SEC. 363. NOTIFICATION TO CONGRESS REGARDING REMOVAL OF SPECIES OF FISH FROM SEAFOOD IMPORT MONITORING PROGRAM.

The Secretary shall notify Congress regarding the removal of any species of fish from the Seafood Import Monitoring Program.

SEC. 364. IMPROVEMENT OF AUTOMATED COMMERCIAL ENVIRONMENT.

(a) STRATEGY REQUIRED.—Not later than 540 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of Homeland Security acting through the Commissioner of U.S. Customs and Border Protection, shall develop and implement a strategy to improve the quality and verifiability of the following data elements in the Automated Commercial Environment system:

(1) Authorization to fish.

(2) Unique vessel identifier, if available.

(3) Location of wild-capture harvest and landing or aquaculture location.

(4) Type of fishing gear used to harvest the fish.

(b) PRIORITIZATION.—The strategy developed and implemented under paragraph (1) shall, to the extent feasible, prioritize the use of enumerated data types, such as checkboxes, dropdown menus, or radio buttons, rather than open text fields, and any additional elements the Secretary finds necessary.

SEC. 365. ADDITIONAL DATA REQUIREMENTS FOR SEAFOOD IMPORT MONITORING PROGRAM DATA COLLECTION.

(a) IN GENERAL.—Not later than 1 year after date of the enactment of this Act, the Secretary shall revise subpart Q of part 300 of title 50, Code of Federal Regulations (or a successor regulation)—

(1) to require an importer of record to provide at the time of entry, for each entry subject to the Seafood Import Monitoring Program—

(A) the location of catch or cultivation, including—

(i) the country code of the International Organization for Standardization if the catch

occurs within the exclusive economic zone of a country; and

(ii) if appropriate, an identification of any regional fisheries management organization having jurisdiction over the catch, if the catch occurs within the jurisdiction of any such organization; and

(B) paper records or electronic reports to establish verifiable and complete chain-of-custody records that track—

(i) the seafood or seafood product from its initial harvest or production to import, including with unique vessel identifiers as applicable;

(ii) each custodian of the seafood or seafood product, including each aquaculture facility, transshipper, processor, storage facility, and distributor; and

(iii) the physical address of each such custodian;

(C) if available, the maritime mobile service identity number of each harvesting and transshipment vessel; and

(D) the owners of each harvesting and transshipment vessel or aquaculture facility, as applicable; and

(2) to require an importer to submit data under the Seafood Import Monitoring Program—

(A) not fewer than 168 hours, and not more than 15 days, before the time of any arrival; and

(B) in accordance with requirements of U.S. Customs and Border Protection for submission and corrections to entry filings into the Automated Commercial Environment.

(b) DATA ELEMENTS.—The Secretary shall coordinate with relevant agencies to ensure that the data elements described in subsection (a) can be—

(1) submitted through the International Trade Data System Automated Commercial Environment to U.S. Customs and Border Protection; or

(2) noted as absent in the Automated Commercial Environment if an element is unavailable at the time of entry.

(c) ELECTRONIC INTEGRATION.—The Secretary shall integrate data elements under subsection (a) and, as appropriate, risk factors and trends described in section 366 into the seafood traceability programs of the National Oceanic and Atmospheric Administration to—

(1) enhance long-term system supportability;

(2) reduce duplication of infrastructure and contractor support for software development; and

(3) create greater program effectiveness by establishing risk factors used for selecting targeted shipments to audit.

(d) INTERNATIONAL FISHERIES TRADE PERMITS.—The Secretary shall—

(1) not later than 2 years after the date of the enactment of this Act, publish and commence maintaining on the website of the National Marine Fisheries Service a list of all International Fisheries Trade Permit holders, including the name of each permit holder and expiration date of each permit;

(2) not less than 60 days before publishing the name of a permit holder under paragraph (1), notify the permit holder of the intended publication; and

(3) require an International Fisheries Trade Permit for any person who imports into the United States, or exports or re-exports from the United States, seafood or seafood products.

SEC. 366. STRATEGIC PLAN TO IMPROVE DETECTION OF AT-RISK SEAFOOD IMPORTS.

Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, the Secretary of Labor, and the Secretary of State, shall—

(1) finalize a detailed strategic plan to develop and use artificial intelligence and machine learning technologies and predictive analytics to identify risk factors and trends in shipment data to detect imports of seafood and seafood products at risk of being associated with illegal, unreported, or unregulated fishing, human trafficking, forced labor, or seafood fraud; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a detailed report on such plan.

SEC. 367 AUDIT PROCEDURES.

(a) AUDIT PROCEDURES.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall implement procedures for auditing 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 subject to the Seafood Import Monitoring Program with respect to a given year.

(b) ANNUAL REVISION.—Not less frequently than once each year, the Secretary shall review, and revise as appropriate, procedures implemented under subsection (a) in order to prioritize for audit imports of seafood and seafood products originating from the following:

(1) Nations identified to have a higher risk of being associated with illegal, unreported, or unregulated fishing, including those sources and products associated with nations that have been issued a negative certification under section 609 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j).

(2) Nations identified as being the flag states or landing locations of vessels that have been identified by another country or regional fisheries management organization as engaging, or as having been engaged in, illegal, unreported, or unregulated fishing.

(3) Nations identified as producing seafood products using forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor issued by the Secretary of Labor in accordance with section 105(b)(2)(C) of the Trafficking Victims Protection Reauthorization Act (22 U.S.C. 7112 (b)(2)(C)).

SEC. 368. REPORT ON SEAFOOD IMPORT MONITORING.

(a) REPORT TO CONGRESS.—Not later than 120 days after the end of each fiscal year, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report that summarizes the efforts of the National Marine Fisheries Service to prevent the importation of seafood harvested, produced, processed, or manufactured through illegal, unreported, or unregulated fishing or seafood fraud.

(b) PUBLIC AVAILABILITY.—The Secretary shall make each report submitted under subsection (a) publicly available on the internet website of the National Oceanic and Atmospheric Administration.

(c) CONTENTS.—Each report submitted under subsection (a) shall include the following information:

(1) The volume and value of seafood species subject to the Seafood Import Monitoring Program imported during the previous fiscal year, reported by 10-digit statistical reporting number of the Harmonized Tariff Schedule of the United States.

(2) A description of 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 the Seafood Import Monitoring Program selected for inspection, or the information or records supporting entry selected for audit, during the previous fiscal year, as described in subpart Q of part 300 of title 50, Code of Federal Regulations (or successor regulation).

(4) The number and types of instances of noncompliance with the requirements of the Seafood Import Monitoring Program during the previous fiscal year.

(5) The number and types of instances of violations of Federal law discovered through the Seafood Import Monitoring Program during the previous fiscal year.

(6) The seafood species with respect to which instances of noncompliance described in paragraph (4) and violations described in paragraph (5) were most prevalent.

(7) The location of catch or harvest with respect to which instances of noncompliance described in paragraph (4) and violations in paragraph (5) were most prevalent.

(8) The resources dedicated to the Seafood Import Monitoring Program during the previous fiscal year, including the number of full-time employees.

(9) Such other information as the Secretary considers appropriate with respect to monitoring and enforcing compliance with the Seafood Import Monitoring Program.

SEC. 369. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection $20,000,000 for each of fiscal years 2023 through 2027 to carry out enforcement actions under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 370. REGULATIONS.

The Secretary may promulgate such regulations as are necessary to carry out this chapter.

CHAPTER 2—SEAFOOD TRACEABILITY AND LABELING

SEC. 371. FEDERAL ACTIVITIES ON SEAFOOD SAFETY AND SEAFOOD FRAUD.

The Secretary and the Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security, shall jointly, to the maximum extent practicable, ensure that inspections and tests for seafood safety also collect information for the prevention of seafood fraud.

SEC. 372. SEAFOOD LABELING AND IDENTIFICATION.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary, in coordination with other relevant agencies, shall implement the following requirements with respect to seafood and seafood products subject to the Seafood Import Monitoring Program or imported into the United States:

(1) TRACEABILITY.—A requirement that the following information shall accompany seafood through processing and importation:

(A) The Regional Fishery Management Organization Convention Area, a country's exclusive economic zone or territorial waters, or a more specific location, in which the seafood was caught or cultivated.

(B) The specific Aquatic Sciences and Fisheries Information System number of the Fisheries and Aquaculture Statistics Information Service of the United Nations Food and Agriculture Organization.

(C) Whether the seafood was harvested wild or was farm-raised, and, if the seafood was farm-raised, information regarding the country of cultivation, the location of the aquaculture production area, and the method of cultivation.

(D) The method of harvest of the seafood.

(E) The date of the catch or harvest.

(F) The weight or number, as appropriate, of product for an individual fish or lot.

(G) Date and name of entity (processor, dealer, vessel) to which the seafood was landed.

(H) Name and flag state of vessel and evidence of authorization, and if applicable, a unique vessel identifier.

(I) Name and location of the facility from which farm-raised seafood were harvested, the method of cultivation, source and type of feed, and evidence of authorization.

(J) The International Fisheries Trade Permit used for import entry, if applicable.

(2) LABELING.—The following information shall be included in the labeling of imported seafood and seafood products through processing and importation:

(A) The information required in subparagraphs (A), (B), (C), and (D) of paragraph (1).

(B) Whether the seafood has been previously frozen or treated with any substance other than ice or water.

(b) PRODUCTION CODES.—The Secretary shall allow compliance with subsection (a) through the use electronic bar coding methods.

(c) SAFE HARBOR.—No processor, distributor, or retailer may be found to be in violation of the requirements of this subtitle or the regulations implementing this subtitle for selling in the United States a product that was imported into the United States and was mislabeled upon receipt by the processor, distributor, or retailer, unless the processor, distributor, or retailer knew or should have known about the mislabeling.

SEC. 373. FEDERAL ENFORCEMENT.

(a) ENFORCEMENT BY SECRETARY.—The Secretary shall enforce the provisions of this subtitle in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858 through 1861) were incorporated into and made a part of and applicable to this subtitle.

(b) LIST OF OFFENDERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall begin including on the public website of the Department of Commerce a list relating to enforcement actions that—

(1) includes, by country, each exporter whose seafood subject to the Seafood Import Monitoring Program is imported or offered for import into the United States; and

(2) for each such exporter, tracks the timing, type, and frequency of violations of Federal law relating to seafood fraud and illegal, unreported, or unregulated fishing.

(c) INSPECTIONS.—The Secretary, in consultation with the Secretary of Health and Human Services, shall—

(1) increase, as resources allow, inspections by auditors and authorized officers of the National Oceanic and Atmospheric Administration of documentation from foreign and domestic seafood shipments related to the conditions of harvest, and subsequent verification of that documentation with foreign entities and other partners, to determine whether seafood fraud and illegal, unreported, or unregulated fishing have occurred and to verify compliance with the requirements under section 365(a);

(2) conduct audits and inspections, as resources allow, at a sufficient level to promote compliance and deterrence; and

(3) to the maximum extent practicable, ensure that inspections and tests for seafood fraud prevention also collect information to support the Secretary of Health and Human Services in implementing the seafood safety requirements of the FDA Food Safety Modernization Act (Public Law 111–353).

(d) INTERAGENCY AGREEMENT.—

(1) MEMORANDUM OF UNDERSTANDING REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary, the Secretary of Homeland Security, the Secretary of Labor, and the Secretary of Health and Human Services shall jointly execute a memorandum of understanding to codify and improve interagency cooperation on—

(A) seafood safety;

(B) preventing illegal, unreported, or unregulated fishing; and

(C) seafood fraud prevention, enforcement, and inspections.

(2) REQUIREMENTS.—The memorandum of understanding required by paragraph (1) shall include provisions, performance metrics, and timelines as the Secretaries consider appropriate to improve the cooperation described in that paragraph (acting under provisions of law other than this subsection)—

(A) to identify and execute specific procedures for using authorities granted under the FDA Food Safety Modernization Act (Public Law 111–353) to ensure and improve the safety of commercially marketed seafood in the United States;

(B) to identify and execute specific procedures for interagency cooperation on—

(i) interagency resource and information sharing;

(ii) use and development of necessary tools including forensic, if feasible, and other means to fill existing gaps in capabilities and eliminate duplication; and

(iii) if feasible, development of specific forensic analysis information required by each agency to promote effective enforcement actions;

(C) to maximize the effectiveness of limited personnel and resources by ensuring that—

(i) inspections of seafood shipments and seafood processing and production facilities by the National Oceanic and Atmospheric Administration and the Food and Drug Administration are not duplicative; and

(ii) information resulting from examinations, testing, and inspections conducted by the Department of Commerce with respect to seafood is considered in making risk-based determinations, including the establishment of inspection priorities for domestic and foreign facilities and the examination and testing of domestic and imported seafood;

(D) to create a process—

(i) by which data collected by all seafood inspectors and officers of the National Oceanic and Atmospheric Administration and U.S. Customs and Border Protection authorized to conduct inspections of seafood shipments or facilities that process or sell seafood, or authorized officers that conduct analysis of seafood import information, will be used for risk-based screening of seafood shipments, including with respect to food safety, adulteration, and misbranding, by the Food and Drug Administration beginning not later than 1 year after the date of the enactment of this Act;

(ii) by which data collected by the National Oceanic and Atmospheric Administration, U.S. Customs and Border Protection, the Department of Labor, the Department of State, and the Food and Drug Administration is shared to maximize efficiency and enforcement of seafood safety, fraud prevention, and prohibitions on illegal, unreported, or unregulated fishing; and

(iii) for taking all steps necessary to restore access by partner government agencies to the Automated Targeting System, including amending system of record notices and privacy impact assessments; and

(E) to ensure that officers and employees of the National Oceanic and Atmospheric Administration are used by the Secretary of Health and Human Services as third-party auditors pursuant to section 808 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384d) to carry out seafood examinations and investigations under chapter VIII of such Act.

(e) TRADE MONITORING INFORMATION.—

(1) DISCLOSURE OF INFORMATION TO FEDERAL AGENCIES.—The Secretary may disclose to a Federal agency information required and collected under trade monitoring programs for marine resources if the Federal agency—

(A) does not have direct access to such information; and

(B) is responsible for carrying out duties under or with respect to—

(i) trade monitoring programs for marine resources;

(ii) the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8001 et seq.);

(iii) Federal laws (including regulations) or international agreements on seafood fraud;

(iv) section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(v) the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

(2) CONFIDENTIALITY.—

(A) IN GENERAL.—The Secretary may disclose information to Federal agencies as described in paragraph (1) notwithstanding—

(i) section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)); or

(ii) any confidentiality of information requirement under any statute authorizing a trade monitoring program for marine resources.

(B) REQUIRED DISCLOSURES.—This paragraph does not modify any requirement regarding disclosure of information to individual or entities, including the public, under—

(i) section 1905 of title 18, United States Code (commonly referred to as the ''Trade Secrets Act'');

(ii) section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)); or

(iii) other applicable law.

(3) DEFINITION OF TRADE MONITORING PROGRAMS FOR MARINE RESOURCES.—In this subsection, the term ''trade monitoring programs for marine resources'' includes—

(A) the Seafood Import Monitoring Program;

(B) the Antarctic Marine Living Resources Program of the National Oceanic and Atmospheric Administration;

(C) the Tuna Tracking and Verification Program of the National Oceanic and Atmospheric Administration;

(D) the Atlantic Highly Migratory Species International Trade Program of the National Oceanic and Atmospheric Administration;

(E) any successor of any program described in subparagraph (A), (B), (C), or (D); and

(F) any new program for monitoring trade in marine resources.

SEC. 374. REGULATIONS.

The Secretary may prescribe such regulations as are necessary to carry out this chapter.

SEC. 375. EFFECT ON STATE LAW.

Nothing in this chapter shall preempt the authority of a State to establish and enforce anti-trafficking laws or requirements for improving seafood safety and preventing seafood fraud that are consistent with the requirements of this chapter.

SEC. 376. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this chapter $14,200,000 for each of fiscal years 2023 through 2027.

SA 6291. 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 F of title XII, add the following:

SEC. 1276. REVIEW AND CONTROLS ON EXPORT OF ITEMS WITH CRITICAL CAPABILITIES TO ENABLE HUMAN RIGHTS ABUSES.

(a) STATEMENT OF POLICY.—It is the policy of the United States to use export controls to the extent necessary to further the protection of internationally recognized human rights.

(b) REVIEW OF ITEMS WITH CRITICAL CAPABILITIES TO ENABLE HUMAN RIGHTS ABUSES.—Not later than 180 days after the date of the enactment of this Act, and as appropriate thereafter, the Secretary, in coordination with the Secretary of State, the Director of National Intelligence, and the heads of other Federal agencies as appropriate, shall conduct a review of items subject to controls for crime control reasons pursuant to section 742.7 of the Export Administration Regulations.

(c) CONTROLS.—In furtherance of the policy set forth in subsection (a), not later than 60 days after completing the review required by subsection (b), the Secretary, in coordination with the heads of other Federal agencies as appropriate, shall determine whether additional export controls are needed to protect human rights, including whether—

(1) controls for crime control reasons pursuant to section 742.7 of the Export Administration Regulations should be imposed on additional items, including items with critical capabilities to enable human rights abuses involving—

(A) censorship or social control;

(B) surveillance, interception, or restriction of communications;

(C) monitoring or restricting access to or use of the internet;

(D) identification of individuals through facial or voice recognition or biometric indicators; or

(E) DNA sequencing; or

(2) end-use and end-user controls should be imposed on the export, reexport, or in-country transfer of certain items with critical capabilities to enable human rights abuses that are subject to the Export Administration Regulations if the person seeking to export, reexport, or transfer the item has knowledge, or the Secretary determines and so informs that person, that the end-user or ultimate consignee will use the item to enable human rights abuses.

(d) COOPERATION OF OTHER AGENCIES.—Upon request from the Secretary, the head of a Federal agency shall provide full support and cooperation to the Secretary in carrying out this section.

(e) INTERNATIONAL COORDINATION ON CONTROLS TO PROTECT HUMAN RIGHTS.—It shall be the policy of the United States to seek to secure the cooperation of other governments to impose export controls that are consistent, to the extent possible, with the controls imposed under this section.

(f) CONFORMING AMENDMENT.—Section 1752(2)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4811(2)(A)) is amended—

(1) in clause (iv), by striking ''; or'' and inserting a semicolon;

(2) in clause (v), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(vi) serious human rights abuses.''.

(g) DEFINITIONS.—In this section:

(1) END-USER; KNOWLEDGE; ULTIMATE CONSIGNEE.—The terms ''end-user'', ''knowledge'', and ''ultimate consignee'' have the meanings given those terms in section 772.1 of the Export Administration Regulations.

(2) EXPORT; EXPORT ADMINISTRATION REGULATIONS; IN-COUNTRY TRANSFER; ITEM; REEXPORT.—The terms ''export'', ''Export Administration Regulations'', ''in-country transfer'', ''item'', and ''reexport'' have the meanings given those terms in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

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

SA 6292. 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 appropriate place, insert the following:

SEC. ___. DELAY OF THE EFFECTIVE DATE OF CERTAIN FLIGHT CREW ALERTING REQUIREMENTS.

Subsection (b) of section 116 of division V of the Consolidated Appropriations Act, 2021 (49 U.S.C. 44704 note), is amended, in the matter preceding paragraph (1), by striking ''on the date that is 2 years after the date of enactment of this title'' and inserting ''September 30, 2024''.

SA 6293. 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 end of subtitle A of title VIII, add the following:

SEC. 809. INCLUSION IN BUDGET JUSTIFICATION MATERIALS OF ENHANCED REPORTING ON PROPOSED CANCELLATIONS AND MODIFICATIONS TO MULTIYEAR CONTRACTS.

Section 239c(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) though (4) as paragraphs (2) through (5), respectively; and

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

''(1) A detailed explanation of the rationale for such cancellation or covered modification.''.

SA 6294. Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. KING, 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 F of title V, add the following:

SEC. 575. SUPPORT FOR DEPARTMENT OF DEFENSE-AFFILIATED FAMILIES SUPPLANTED FROM DEPARTMENT CHILD DEVELOPMENT CENTERS.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall take actions to support and accommodate Department of Defense-affiliated families who were supplanted from Department child development centers on or after January, 1 2022.

(b) ACTIONS TO BE TAKEN.—The Secretary shall consider the following actions to assist families described in subsection (a):

(1) Assisting with identifying child care options within the local community.

(2) Providing financial assistance, when authorized by law, for the purpose of securing child care during duty hours.

(3) Authorizing flexible duty shifts when both members of such a family are employees or contractors of the Department.

(4) Such other actions as the Secretary, in consultation with the Secretaries of the military departments, considers appropriate.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2023, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the supplanting of Department of Defense-affiliated families from Department child development centers and actions taken by the Secretary to accommodate those families and address the hardships faced by those families.

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

(A) The number of Department of Defense-affiliated families and dependents supplanted from Department child development centers on or after January 1, 2022, and before the date of the report.

(B) The duty location of those families, including the number of such families and dependents supplanted at each location.

(C) For each location in which more than five such families have been supplanted during the period described in subparagraph (A), a description of actions taken by the Department—

(i) to increase the availability of child care at the location's child development center; and

(ii) to assist those families secure suitable child care during applicable duty hours.

SA 6295. 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:

On page 138, line 6, insert after ''enactment'' the following: '', including the capacity of the public shipyards of the Navy to meet current and anticipated needs of the Navy to maintain and repair ships''.

SA 6296. 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 C of title XII, add the following:

SEC. 1239. AMENDMENTS TO AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002 RELATED TO INVESTIGATIONS OF ATROCITY CRIMES IN UKRAINE.

Section 2004(h) of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7423(h)) is amended—

(1) by striking ''AGENTS.—No agent'' and inserting the following: ''AGENTS.—

''(1) IN GENERAL.—No agent''; and

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

''(2) EXCEPTION.—The prohibition under paragraph (1) shall not apply with respect to investigative activities that—

''(A) relate solely to investigations of foreign persons suspected of atrocity crimes in Ukraine; and

''(B) are undertaken in concurrence with the Attorney General.''.

SA 6297. Mr. GRASSLEY (for himself, Mr. PETERS, Mr. SASSE, Mr. DURBIN, Mr. CORNYN, Ms. HASSAN, Ms. SINEMA, and 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 appropriate place, insert the following:

SEC. _____. DISCLOSING FOREIGN INFLUENCE IN LOBBYING ACT.

(a) SHORT TITLE.—This section may be cited as the ''Disclosing Foreign Influence in Lobbying Act''.

(b) CLARIFICATION OF CONTENTS OF REGISTRATION.—Section 4(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)) is amended—

(1) in paragraph (6), by striking ''and'' at the end; and

(2) in paragraph (7), by striking ''the offense.'' and inserting the following: ''the offense; and

''(8) notwithstanding paragraph (4), the name and address of each government of a foreign country (including any agency or subdivision of a foreign government, such as a regional or municipal unit of government) and foreign political party, other than the client, that participates in the direction, planning, supervision, or control of any lobbying activities of the registrant.''.

SA 6298. Mr. GRASSLEY (for himself 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 end of subtitle G of title X, add the following:

SEC. 1077. INCENTIVES FOR STATES TO CREATE SEXUAL ASSAULT SURVIVORS' BILL OF RIGHTS.

(a) DEFINITION OF COVERED FORMULA GRANT.—In this section, the term ''covered formula grant'' means a grant under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441 et seq.) (commonly referred to as the ''STOP Violence Against Women Formula Grant Program'').

(b) GRANT INCREASE.—The Attorney General shall increase the amount of the covered formula grant provided to a State in accordance with this section if the State has in effect a law that provides to sexual assault survivors the rights, at a minimum, under section 3772 of title 18, United States Code.

(c) APPLICATION.—A State seeking an increase to a covered formula grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require, including information about the law described in subsection (b).

(d) PERIOD OF INCREASE.—The Attorney General may not provide an increase in the amount of the covered formula grant provided to a State under this section more than 4 times.

(e) AUTHORIZATION OF APPLICATION.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2023 through 2027 to carry out this section.

SA 6299. Mr. GRASSLEY (for himself, Ms. HASSAN, Mrs. SHAHEEN, 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 end of subtitle G of title X, add the following:

SEC. 1077. EXTENSION OF TEMPORARY ORDER FOR FENTANYL-RELATED SUBSTANCES.

Effective as if included in the enactment of the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Public Law 116–114; 134 Stat. 103), section 2 of that Act is amended by striking ''December 31, 2022'' and inserting ''February 29, 2024''.

SA 6300. Mr. GRASSLEY (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. REAUTHORIZATION OF THE MISSING AMERICANS ALERT PROGRAM.

Section 240001(d) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12621(d)) is amended by striking ''2018 through 2022'' and inserting ''2023 through 2027''.

SA 6301. Mr. GRASSLEY (for himself, Mr. RUBIO, Ms. CORTEZ MASTO, Mr. SCOTT of Florida, Mr. MANCHIN, Ms. COLLINS, Ms. HASSAN, Mr. KING, Ms. STABENOW, and 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, insert the following:

TITLE ____—EAGLES ACT OF 2022

SEC. ____01. SHORT TITLE.

This title may be cited as the ''EAGLES Act of 2022''.

SEC. ____02. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) On February 14, 2018, 17 individuals lost their lives in a senseless and violent attack on Marjory Stoneman Douglas High School in Parkland Florida, a school whose mascot is the eagle.

(2) These individuals lived lives of warmth, joy, determination, service, and love, and their loss is mourned by the Nation.

(3) The shooter in that attack exhibited patterns of behavior that were alarming and that should have alerted law enforcement and other Federal, State, and local officials.

(4) The attack on Marjory Stoneman Douglas High School was preventable.

(5) Lives were saved because of the brave and exemplary conduct of many students, teachers, and staff at Marjory Stoneman Douglas High School, including several of the victims of the attack.

(6) The National Threat Assessment Center (referred to in this title as the ''Center'') was established in 1998 to conduct research on various types of targeted violence.

(7) Studies conducted by the Center on targeted school violence, in particular, have shown that—

(A) most incidents were planned in advance;

(B) the attackers' behavior gave some indication that the individual was planning, or at least contemplating, an attack;

(C) most attackers had already exhibited a pattern of behavior that was of concern to other people in their lives; and

(D) prior to the attack, someone associated with the attacker, such as a family member or peer, knew the attack was to likely to occur.

(8) Through their research, the Center developed the threat assessment model for responding to indicators of targeted violence, which includes a 3-step process—

(A) identifying individuals who are exhibiting behaviors that indicate they are planning an attack on a school;

(B) assessing whether the individual poses a threat to the school, based on articulable facts; and

(C) managing the threat the individual may pose to the school.

(9) The threat assessment model works most effectively when all the relevant parties, including school officials, local law enforcement, and members of the community, are part of a comprehensive protocol to identify, assess, and manage a potential threat to the school.

(10) The primary goal of threat assessment programs in schools should be to prevent violent conduct, with an emphasis on early intervention, treatment, and care of individuals exhibiting behaviors associated with targeted violence.

(11) Early intervention, treatment, and prevention of violent behavior is an effective way to prevent violent conduct that would harm others and necessitate disciplinary action, including criminal penalties.

(12) The parties involved need the appropriate training and tools to establish the appropriate mechanisms for implementing this type of approach.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a fact-based threat assessment approach, involving school officials, local law enforcement, and members of the community, is one of the most effective ways to prevent targeted violence in schools, and is a fitting memorial to those who lost their lives in the February 14, 2018, attack on Marjory Stoneman Douglas High School and those who heroically acted to preserve the lives of their friends, students, and colleagues.

SEC. ____03. REAUTHORIZATION AND EXPANSION OF THE NATIONAL THREAT ASSESSMENT CENTER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by inserting after section 3056A the following:

''§ 3056B. Functions of the National Threat Assessment Center of the United States Secret Service

''(a) IN GENERAL.—There is established a National Threat Assessment Center (in this section referred to as the 'Center'), to be operated by the United States Secret Service, at the direction of the Secretary of Homeland Security.

''(b) FUNCTIONS.—The functions of the Center shall include the following:

''(1) Training in the area of best practices on threat assessment.

''(2) Consultation on complex threat assessment cases or programs.

''(3) Research on threat assessment and the prevention of targeted violence, consistent with evidence-based standards and existing laws and regulations.

''(4) Facilitation of information sharing on threat assessment and the prevention of targeted violence among agencies with protective or public safety responsibilities, as well as other public or private entities.

''(5) Development of evidence-based programs to promote the standardization of Federal, State, and local threat assessments, best practices in investigations involving threats, and the prevention of targeted violence.

''(c) SAFE SCHOOL INITIATIVE.—In carrying out the functions described in subsection (b), the Center shall establish a national program on targeted school violence prevention, focusing on the following activities:

''(1) RESEARCH.—The Center shall—

''(A) conduct research into targeted school violence and evidence-based practices in targeted school violence prevention, including school threat assessment; and

''(B) publish the findings of the Center on the public website of the United States Secret Service.

''(2) TRAINING.—

''(A) IN GENERAL.—The Center shall develop and offer training courses on targeted school violence prevention to agencies with protective or public safety responsibilities and other public or private entities, including local educational agencies.

''(B) PLAN.—Not later than 1 year after the date of enactment of this section, the Center shall establish a plan to offer its training and other educational resources to public or private entities within each State.

''(3) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Center shall develop research and training programs under this section in coordination with the Department of Justice, the Department of Education, and the Department of Health and Human Services.

''(4) CONSULTATION WITH ENTITIES OUTSIDE THE FEDERAL GOVERNMENT.—The Center is authorized to consult with State and local educational, law enforcement, and mental health officials and private entities in the development of research and training programs under this section.

''(5) INTERACTIVE WEBSITE.—The Center may create an interactive website to disseminate information and data on evidence-based practices in targeted school violence prevention.

''(d) HIRING OF ADDITIONAL PERSONNEL.—The Director of the United States Secret Service may hire additional personnel to comply with the requirements of this section, which, if the Director exercises that authority, shall include—

''(1) at least 1 employee with expertise in child psychological development; and

''(2) at least 1 employee with expertise in school threat assessment.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the functions of the Center $10,000,000 for each of fiscal years 2023 through 2026.

''(f) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, the Director of the Secret Service shall submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives a report on actions taken by the United States Secret Service to implement provisions of this section, which shall include—

''(1) the number of employees hired (on a full-time equivalent basis);

''(2) the number of individuals in each State trained in threat assessment;

''(3) the number of school districts in each State trained in school threat assessment or targeted school violence prevention;

''(4) information on Federal, State, and local agencies trained or otherwise assisted by the Center;

''(5) a formal evaluation indicating whether the training and other assistance provided by the Center is effective;

''(6) a formal evaluation indicating whether the training and other assistance provided by the Center was implemented by the school;

''(7) a summary of the Center's research activities and findings; and

''(8) a strategic plan for disseminating the Center's educational and training resources to each State.

''(g) DEFINITIONS.—In this section—

''(1) the term 'evidence-based' means—

''(A) strong evidence from at least 1 well-designed and well-implemented experimental study;

''(B) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

''(C) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias;

''(2) the term 'local educational agency' has the meaning given that term under section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

''(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(h) NO FUNDS TO PROVIDE FIREARMS TRAINING.—None of the funds authorized to be appropriated under this section may be used to train any person in the use of a firearm.

''(i) NO EFFECT ON OTHER LAWS.—Nothing in this section may be construed to preclude or contradict any other provision of law authorizing training in the use of firearms.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 4 of the Presidential Threat Protection Act of 2000 (18 U.S.C. 3056 note) is repealed.

(2) The table of sections for chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3056A the following:

''3056B. Functions of the National Threat Assessment Center of the United States Secret Service.''.

SA 6302. Mr. GRASSLEY (for himself, Mr. COONS, Mr. YOUNG, Ms. HASSAN, Mr. BLUNT, Mrs. FEINSTEIN, Mr. BROWN, Mr. BLUMENTHAL, Mr. HAWLEY, Mr. KENNEDY, Ms. ERNST, Mrs. BLACKBURN, and 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. _____. FIGHTING POST-TRAUMATIC STRESS DISORDER.

(a) FINDINGS.—Congress finds the following:

(1) Public safety officers serve their communities with bravery and distinction in order to keep their communities safe.

(2) Public safety officers, including police officers, firefighters, emergency medical

technicians, and 911 dispatchers, are on the front lines of dealing with situations that are stressful, graphic, harrowing, and life-threatening.

(3) The work of public safety officers puts them at risk for developing post-traumatic stress disorder and acute stress disorder.

(4) It is estimated that 30 percent of public safety officers develop behavioral health conditions at some point in their lifetimes, including depression and post-traumatic stress disorder, in comparison to 20 percent of the general population that develops such conditions.

(5) Victims of post-traumatic stress disorder and acute stress disorder are at a higher risk of dying by suicide.

(6) Firefighters have been reported to have higher suicide attempt and ideation rates than the general population.

(7) It is estimated that between 125 and 300 police officers die by suicide every year.

(8) In 2019, pursuant to section 2(b) of the Law Enforcement Mental Health and Wellness Act of 2017 (Public Law 115–113; 131 Stat. 2276), the Director of the Office of Community Oriented Policing Services of the Department of Justice developed a report (referred to in this subsection as the ''LEMHWA report'') that expressed that many law enforcement agencies do not have the capacity or local access to the mental health professionals necessary for treating their law enforcement officers.

(9) The LEMHWA report recommended methods for establishing remote access or regional mental health check programs at the State or Federal level.

(10) Individual police and fire departments generally do not have the resources to employ full-time mental health experts who are able to treat public safety officers with state-of-the-art techniques for the purpose of treating job-related post-traumatic stress disorder and acute stress disorder.

(b) PROGRAMMING FOR POST-TRAUMATIC STRESS DISORDER.—

(1) DEFINITIONS.—In this subsection:

(A) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(i) has the meaning given the term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284); and

(ii) includes Tribal public safety officers.

(B) PUBLIC SAFETY TELECOMMUNICATOR.—The term ''public safety telecommunicator'' means an individual who—

(i) operates telephone, radio, or other communication systems to receive and communicate requests for emergency assistance at 911 public safety answering points and emergency operations centers;

(ii) takes information from the public and other sources relating to crimes, threats, disturbances, acts of terrorism, fires, medical emergencies, and other public safety matters; and

(iii) coordinates and provides information to law enforcement and emergency response personnel.

(2) REPORT.—Not later than 150 days after the date of enactment of this Act, the Attorney General, acting through the Director of the Office of Community Oriented Policing Services of the Department of Justice, 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—

(A) not fewer than 1 proposed program, if the Attorney General determines it appropriate and feasible to do so, to be administered by the Department of Justice for making state-of-the-art treatments or preventative care available to public safety officers and public safety telecommunicators with regard to job-related post-traumatic stress disorder or acute stress disorder by providing public safety officers and public safety telecommunicators access to evidence-based trauma-informed care, peer support, counselor services, and family supports for the purpose of treating or preventing post-traumatic stress disorder or acute stress disorder;

(B) a draft of any necessary grant conditions required to ensure that confidentiality is afforded to public safety officers on account of seeking the care or services described in subparagraph (A) under the proposed program;

(C) how each proposed program described in subparagraph (A) could be most efficiently administered throughout the United States at the State, Tribal, territorial, and local levels, taking into account in-person and telehealth capabilities;

(D) a draft of legislative language necessary to authorize each proposed program described in subparagraph (A); and

(E) an estimate of the amount of annual appropriations necessary for administering each proposed program described in subparagraph (A).

(3) DEVELOPMENT.—In developing the report required under paragraph (2), the Attorney General shall consult relevant stakeholders, including—

(A) Federal, State, Tribal, territorial, and local agencies employing public safety officers and public safety telecommunicators; and

(B) non-governmental organizations, international organizations, academies, or other entities, including organizations that support the interests of public safety officers and public safety telecommunicators and the interests of family members of public safety officers and public safety telecommunicators.

SA 6303. Mr. GRASSLEY (for himself and 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 subtitle G of title X, insert the following:

SEC. 10___. SMART COCAINE SENTENCING.

(a) SHORT TITLE.—This section may be cited as the ''Start Making Adjustments and Require Transparency in Cocaine Sentencing Act'' or the ''SMART Cocaine Sentencing Act''.

(b) PENALTIES FOR COCAINE-RELATED OFFENSES.—

(1) IN GENERAL.—

(A) CONTROLLED SUBSTANCES ACT.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(i) in subparagraph (A)—

(I) in clause (ii), in the matter preceding subclause (I), by striking ''5 kilograms'' and inserting ''4 kilograms''; and

(II) in clause (iii), by striking ''280 grams'' and inserting ''1,600 grams''; and

(ii) in subparagraph (B)—

(I) in clause (ii), in the matter preceding subclause (I), by striking ''500 grams'' and inserting ''400 grams''; and

(II) in clause (iii), by striking ''28 grams'' and inserting ''160 grams''.

(B) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(i) in paragraph (1)—

(I) in subparagraph (B), in the matter preceding clause (i), by striking ''5 kilograms'' and inserting ''4 kilograms'';

(II) in subparagraph (C), by striking ''280 grams'' and inserting ''1,600 grams''; and

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

(ii) in paragraph (2)—

(I) in subparagraph (B), in the matter preceding clause (i), by striking ''500 grams'' and inserting ''400 grams'';

(II) in subparagraph (C), by striking ''28 grams'' and inserting ''160 grams''; and

(III) in subparagraph (H), by striking the period at the end and inserting a semicolon.

(2) ATTORNEY GENERAL CERTIFICATION.—

(A) IN GENERAL.—For a defendant sentenced before the date of enactment of this Act, the Attorney General shall submit to the court that sentenced the defendant a certification regarding whether, in the opinion of the Attorney General, the sentence of the defendant should be reduced, as if the amendments made by paragraph (1) were in effect at the time the offense was committed. In making a certification under this subparagraph, the Attorney General shall consider the factors in section 3553(a) of title 18, United States Code.

(B) RESENTENCING.—If the Attorney General submits a certification under subparagraph (A) indicating that, in the opinion of the Attorney General, the sentence of the defendant should be reduced, as if the amendments made by paragraph (1) were in effect at the time the offense was committed, the court that imposed the sentence of the defendant may impose such a reduced sentence.

(c) FEDERAL RESEARCH.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in coordination with the Administrator of the Drug Enforcement Administration and the Secretary of Health and Human Services, shall review and submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary and the Committee on Energy and Commerce of the House of Representatives a report on—

(A) the average individual dosage amount of both powder cocaine and cocaine base;

(B) the lethality of both powder cocaine and cocaine base as measured by individual dosage;

(C) the impact on lethality that polysubstance use, specifically as to synthetic drugs such as fentanyl and fentanyl-related substances, has on both powder cocaine and cocaine base users;

(D) the addictiveness of both powder cocaine and cocaine base;

(E) the violence attributed to or associated with both powder cocaine and cocaine base, which may include but is not limited to, criminal charges, statutory enhancements, criminal history, and recidivism data; and

(F) the impact on addictiveness that polysubstance use, specifically as to synthetic drugs such as fentanyl and fentanyl-related substances, has on both powder cocaine and cocaine base users.

(2) REPORT BY UNITED STATES SENTENCING COMMISSION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to Congress and publicly issue a report regarding cocaine offenses and offenders.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) an analysis of data available to the Commission on Federal cocaine offenses and offenders;

(ii) an updated description of the forms of cocaine, methods of use, effects, dependency potential, effects of prenatal exposure, and prevalence of cocaine use;

(iii) an updated description of trends in cocaine trafficking patterns, price, and use;

(iv) a review of State sentencing policies and an examination of the interaction of State penalties with Federal prosecutorial decisions;

(v) a review of recent Federal case law developments relating to Federal cocaine sentencing; and

(vi) recommendations to Congress.

SA 6304. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. MODERNIZATION OF NATIONAL SECURITY CRIMES.

(a) PENALTY FOR EXTRATERRITORIAL KILLING OF A UNITED STATES NATIONAL FOR TERRORIST PURPOSES.—Section 2332(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''in the first degree'' after ''murder'';

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

(3) by inserting after paragraph (1) the following:

''(2) if the killing is murder in the second degree (as defined in section 1111(a)), be fined under this title, punished by imprisonment for any term of years or for life, or both;'';

(4) in paragraph (3), as so redesignated, by striking ''ten years'' and inserting ''15 years''; and

(5) in paragraph (4), as so redesignated, by striking ''three years'' and inserting ''8 years''.

(b) CLARIFYING UNITED STATES JURISDICTION IN CONSPIRACY CASES.—Section 956 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking '', within the jurisdiction of the United States,''; and

(2) in subsection (b), by striking '', within the jurisdiction of the United States,''.

(c) EXPANDING OFFENSE OF HOSTAGE TAKING AGAINST UNITED STATES NATIONALS ABROAD.—Section 1203 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after ''release of the person detained,'' the following: ''or in order to coerce, intimidate, or retaliate against a governmental organization or a civilian population,''; and

(2) in subsection (b)—

(A) in paragraph (1)(C), by inserting after ''compelled'' the following: '', coerced, intimidated, or retaliated against''; and

(B) in paragraph (2), by inserting after ''compelled'' the following: '', coerced, intimidated, or retaliated against''.

(d) EXPANDING AVAILABILITY OF SUPERVISED RELEASE IN TERRORISM-RELATED JUVENILE PROCEEDINGS.—Section 5037(d) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''may not extend'';

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(C) by inserting before clause (i), as so redesignated, the following:

''(A) except as provided in subparagraph (B), may not extend—'';

(D) in subparagraph (A), as so designated—

(i) in clause (i), as so redesignated, by striking ''a term that extends''; and

(ii) in clause (ii), as so redesignated—

(I) by striking ''a term that extends''; and

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

(E) by adding at the end the following:

''(B) may not extend beyond the date that is 10 years after the date when the juvenile becomes 21 years old if the juvenile—

''(i) is charged with an offense listed in section 2332b(g)(5)(B); and

''(ii) is eligible under section 5032 for a motion to transfer to adult status, but is not transferred to adult status.'';

(2) in paragraph (5), in the fifth sentence, by inserting after ''26th birthday,'' the following: ''in the case of a juvenile described in paragraph (2)(B), no term of official detention may continue beyond the juvenile's 31st birthday,''; and

(3) in paragraph (6), in the second sentence, by inserting after ''26th birthday,'' the following: ''in the case of a juvenile described in paragraph (2)(B), no term of juvenile delinquent supervision may continue beyond the juvenile's 31st birthday,''.

(e) EXPANDING USE OF SUPERVISED RELEASE FOR CONVICTED TERRORISTS.—Section 3583(j) of title 18, United States Code, is amended—

(1) by striking ''for any offense'' and inserting the following: ''for—

''(1) any offense'';

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

(3) by adding at the end the following:

''(2) an offense under section 371 (relating to conspiracy to commit offense against or defraud the United States), when the charge includes an offense listed in section 2332b(5)(B) as the predicate for the conspiracy, is not more than 10 years.''.

(f) CLARIFYING PROCESS FOR PROTECTING CLASSIFIED INFORMATION UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) by striking ''The court, upon'' and inserting the following:

''(a) IN GENERAL.—The court, upon''; and

(2) by adding at the end the following:

''(b) PROCEDURE.—If the United States seeks to delete, withhold, or otherwise obtain other relief under subsection (a) with respect to the discovery of any classified information, the United States may object to the disclosure of such classified information, supported by an ex parte declaration signed by any knowledgeable official of the United States possessing authority to classify such information that sets forth the identifiable damage to the national security that the disclosure of such information reasonably could be expected to cause.''.

(g) CLARIFYING APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT IN JUVENILE PROCEEDINGS.—Section 1 of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end the following:

''(c) In this Act, the terms 'criminal prosecution', 'criminal case', and 'criminal proceeding', and any related terms, include proceedings under chapter 403 of title 18, United States Code.''.

(h) CLARIFYING THAT TERRORISTS MAY QUALIFY FOR TRANSFER TO ADULT STATUS UNDER JUVENILE TRANSFER PROVISION.—

(1) DELINQUENCY PROCEEDINGS IN DISTRICT COURTS; TRANSFER FOR CRIMINAL PROSECUTION.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking ''or section 1002(a),'' and inserting ''section 1002(a),''; and

(ii) by striking ''section 922(x) or section 924(b), (g), or (h)'' and inserting ''or section 922(x), 924(b), (g), or (h), or 2332b(g)(5)(B)''; and

(B) in the fourth undesignated paragraph—

(i) in the first sentence—

(I) by striking ''or section 1002(a),'' and inserting ''section 1002(a),''; and

(II) by striking ''or section 922(x) of this title, or in section 924(b), (g), or (h)'' and inserting ''or section 922(x), 924(b), (g), or (h), or 2332b(g)(5)(B)'';

(ii) in the second sentence—

(I) by striking ''crime of violence is an offense under'' and inserting ''crime is an offense described in''; and

(II) by inserting ''or 2332b(g)(5)(B),'' after ''1113,''; and

(iii) in the fourth sentence, by striking ''(i) or 2275'' and inserting ''or (i), 2275, or 2332b(g)(5)(B)''.

(2) USE OF JUVENILE RECORDS.—Section 5038 of title 18, United States Code, is amended—

(A) in subsection (d), in the first sentence—

(i) by striking ''or section 1001(a),'' and inserting '', section 1001(a),''; and

(ii) by inserting ''or section 2332b(g)(5)(B) of this title,'' after ''Controlled Substances Import and Export Act,''; and

(B) in subsection (f)—

(i) by striking ''or section 1001(a),'' and inserting '', section 1001(a),''; and

(ii) by inserting ''or section 2332b(g)(5)(B) of this title,'' after ''Controlled Substances Import and Export Act,''.

SA 6305. Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, Mr. SHELBY, Mr. CORNYN, Mr. TUBERVILLE, 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 appropriate place, insert the following:

SEC. ____. REAUTHORIZATION OF THE NATIONAL COMPUTER FORENSICS INSTITUTE.

Section 822 of the Homeland Security Act of 2002 (6 U.S.C. 383) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''2017 through 2022'' and inserting ''2023 through 2028''; and

(B) by striking the second sentence;

(2) by striking subsection (b) and inserting the following:

''(b) FUNCTIONS.—The Institute shall provide information and training to any State, local, Tribal, or territorial law enforcement officer, prosecutor, or judge, any officer or employee of any agency in any branch of the Federal Government, any member of the uniformed services, or any State, local, Tribal, or territorial employee who might reasonably assist in the investigation and prevention of cyber and electronic crime and related threats, on—

''(1) cyber and electronic crimes and related threats;

''(2) methods for investigating cyber and electronic crime and related threats and conducting computer and mobile device forensic examinations;

''(3) prosecutorial and judicial challenges related to cyber and electronic crime and related threats, and computer and mobile device forensic examinations; and

''(4) methods to obtain, process, store, and admit digital evidence in court.'';

(3) in subsection (c), by striking ''State, local, tribal, and territorial law enforcement officers and prosecutors'' and inserting ''members and partners of the network of Cyber Fraud Task Forces of the United States Secret Service, and, when selecting participants for the training specified in subsection (b), the Institute shall prioritize, to the extent reasonable and practicable, State, local, tribal, and territorial law enforcement officers, prosecutors, judges, and other employees.'';

(4) in subsection (d), by striking ''State, local, tribal and territorial law enforcement officers'' and inserting ''the individuals listed in subsection (b)'';

(5) in subsection (e)—

(A) in the subsection heading, by striking ''**ELECTRONIC CRIME**'' and inserting ''**CYBER FRAUD**'';

(B) by striking ''Electronic Crime'' and inserting ''Cyber Fraud''; and

(C) by striking ''State, local, tribal, and territorial''; and

(6) by adding at the end the following:

''(g) EXPENSES.—The Director of the United States Secret Service may pay for all or a part of the necessary expenses of the training and information provided by the Institute under subsection (b), including travel, transportation, and subsistence expenses for recipients of the information and training.

''(h) ANNUAL REPORTS TO CONGRESS.—

''(1) IN GENERAL.—The Secretary shall include in the annual report required under section 1116 of title 31, United States Code, information regarding the activities of the Institute, including, where possible—

''(A) an identification of jurisdictions with recipients of the education and training provided pursuant to subsection (b) during such year;

''(B) information relating to the costs associated with that education and training;

''(C) any information regarding projected future demand for the education and training provided pursuant to subsection (b);

''(D) impacts of the activities of the Institute on the capability of jurisdictions to investigate and prevent cybersecurity incidents, electronic crimes, and related cybersecurity threats;

''(E) a description of the nomination process for potential recipients of the information and training provided pursuant to subsection (b); and

''(F) any other issues determined to be relevant by the Secretary.

''(2) EXCEPTION.—Any information required under paragraph (1) that is submitted as part of the annual budget submitted by the President to Congress under section 1105 of title 31, United States Code, is not required to be included in the report described in paragraph (1).''.

SA 6306. Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. GRAHAM, Mr. LEAHY, Mr. BLUNT, 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. WAR CRIMES.

Section 2441 of title 18, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) JURISDICTION.—There is jurisdiction over an offense described in subsection (a) if—

''(1) the offense occurs in whole or in part within the United States; or

''(2) regardless of where the offense occurs—

''(A) the victim or offender is—

''(i) a national of the United States or an alien lawfully admitted for permanent residence; or

''(ii) a member of the Armed Forces of the United States, regardless of nationality; or

''(B) the offender is present in the United States, regardless of the nationality of the victim or offender.''; and

(2) by adding at the end the following:

''(e) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—In the case of an offense described in subsection (a), an indictment may be found or an information may be instituted at any time without limitation.

''(f) CERTIFICATION REQUIREMENT.—No prosecution for an offense described in subsection (a) shall be undertaken by the United States except on written certification of the Attorney General or a designee that a prosecution by the United States is in the public interest and necessary to secure substantial justice.''.

SA 6307. Mr. INHOFE (for Mr. RUBIO (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:

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 6308. 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 F of title III, add the following:

SEC. 389. TRIBAL LIAISONS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that each installation of the Department of Defense that has an Indian Tribe or Tribal interests in the area surrounding the installation, including if an Indian Tribe is historically or culturally affiliated with the land or water managed or directly impacted by the installation, has a dedicated Tribal liaison located at the installation.

(b) CIVILIAN EMPLOYEE.—Each Tribal liaison required under subsection (a) shall be a civilian employee of the Department of Defense.

(c) TREATMENT OF CERTAIN INSTALLATIONS.—If more than one Armed Force is located at an installation described in subsection (a), the Secretary shall ensure that such installation has a dedicated Tribal liaison for each such Armed Force.

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian Tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

SA 6309. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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 CONTROLLED SUBSTANCES ACT.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) by redesignating paragraph (58) as paragraph (59);

(2) by redesignating the second paragraph designated as paragraph (57) (relating to the definition of ''serious drug felony'') as paragraph (58); and

(3) by moving paragraphs (57), (58) (as so redesignated), and (59) (as so redesignated) 2 ems to the left.

SA 6310. Ms. BALDWIN (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 end of subtitle A of title VII, add the following:

SEC. 706. ELIMINATION OF CERTAIN HEALTH CARE CHARGES FOR MEMBERS OF THE SELECTED RESERVE.

(a) TRICARE RESERVE SELECT.—Section 1076d of title 10, United States Code, is amended to read as follows:

''§ 1076d. TRICARE program: TRICARE Reserve Select coverage for members of the Selected Reserve

''(a) MEMBERS OF SELECTED RESERVE.—

''(1) IN GENERAL.—A member of the Selected Reserve of the Ready Reserve of a reserve component of the armed forces is eligible for health benefits under TRICARE Reserve Select as provided in this section.

''(2) TERMINATION OF COVERAGE.—Eligibility for TRICARE Reserve Select coverage of a member under this section shall terminate upon the termination of the member's service in the Selected Reserve.

''(b) TRICARE RESERVE SELECT FAMILY COVERAGE.—

''(1) IN GENERAL.—While a member of a reserve component is covered by TRICARE Reserve Select under this section, the members of the immediate family of such member are eligible for TRICARE Reserve Select family coverage as dependents of the member.

''(2) CONTINUATION OF COVERAGE.—If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Reserve Select family coverage shall continue for six months beyond the date of death of the member.

''(c) PREMIUMS.—

''(1) NO PREMIUMS FOR INDIVIDUAL COVERAGE.—A member of a reserve component covered by TRICARE Reserve Select individual coverage shall pay no premium for such coverage.

''(2) FAMILY COVERAGE.—

''(A) IN GENERAL.—A member of a reserve component covered by TRICARE Reserve Select under this section shall pay a premium for any member of the immediate family of such member covered under TRICARE Reserve Select family coverage. Such premium shall apply instead of any enrollment fees required under section 1075 of this title.

''(B) UNIFORM APPLICATION.—The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Reserve Select family coverage of immediate family members of members of the reserve components, that shall apply uniformly to all such immediate family members.

''(C) PREMIUM AMOUNT.—

''(i) IN GENERAL.—The monthly amount of the premium in effect for a month for TRICARE Reserve Select family coverage under this section shall be the amount equal to 28 percent of the total monthly amount determined on an appropriate actuarial basis as being reasonable for that coverage.

''(ii) APPROPRIATE ACTUARIAL BASIS.—The appropriate actuarial basis for purposes of clause (i) for each calendar year after calendar year 2009 shall be determined by utilizing the actual cost of providing benefits under this section to dependents of members of the reserve components during the calendar years preceding such calendar year.

''(D) PAYMENT OF PREMIUMS.—

''(i) IN GENERAL.—The premiums for TRICARE Reserve Select family coverage payable by a member of a reserve component under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title.

''(ii) REQUIREMENTS AND PROCEDURES.—The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

''(E) COLLECTION OF PREMIUMS.—Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

''(d) COST-SHARING AMOUNTS.—

''(1) NETWORK INDIVIDUAL COVERAGE.—Except as provided in paragraph (2), a beneficiary covered by TRICARE Reserve Select individual coverage shall pay no charge for any health care service to which the beneficiary is entitled pursuant to such coverage.

''(2) OUT-OF-NETWORK INDIVIDUAL COVERAGE.—With respect to out-of-network health care services, a beneficiary covered by TRICARE Reserve Select individual coverage shall be subject to the same out-of-network cost-sharing requirements as those to which beneficiaries described in section 1075(c)(1) of this title in the active-duty family member category are subject to for the corresponding year.

''(3) FAMILY COVERAGE.—A beneficiary covered by TRICARE Reserve Select family coverage shall be subject to the same cost-sharing requirements as those to which beneficiaries described in section 1075(c)(1) of this title in the active-duty family member category are subject to for the corresponding year.

''(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(f) DEFINITIONS.—In this section:

''(1) The terms 'active-duty family member category', 'network', and 'out-of-network' have the meanings given such terms in section 1075(i) of this title.

''(2) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

''(3) The term 'TRICARE Reserve Select' means—

''(A) medical care, excluding dental care, at facilities of the uniformed services to which a dependent described in section 1076(a)(2) of this title is entitled; and

''(B) health benefits under the TRICARE Select self-managed, preferred provider network option under section 1075 of this title made available to beneficiaries by reason of this section and subject to the cost-sharing requirements set forth in subsection (d).

''(4) The term 'TRICARE Reserve Select family coverage' means coverage under TRICARE Reserve Select of any members of the immediate family of a member of a reserve component, as described in subsection (b).

''(5) The term 'TRICARE Reserve Select individual coverage' means coverage under TRICARE Reserve Select of a member of a reserve component, as described in subsection (a).''.

(b) CONFORMING AMENDMENTS TO TRICARE SELECT.—Paragraph (3) of section 1075(c) of title 10, United States Code, is amended to read as follows:

''(3) With respect to beneficiaries in the reserve and young adult category—

''(A) for beneficiaries covered by section 1076e or 1110b of this title, the cost-sharing requirements shall be calculated pursuant to subsection (d)(1) as if the beneficiary were in the active-duty family member category or the retired category, as applicable, except that the premiums calculated pursuant to section 1076e or 1110b of this title shall apply instead of any enrollment fee required under this section; and

''(B) for beneficiaries covered by section 1076d of this title, the cost-sharing requirements shall be calculated pursuant to subsection (d) of such section.''.

(c) APPLICABILITY.—This section shall apply with respect to the provision of health care under the TRICARE program beginning on the date that is one year after the date of the enactment of this Act.

SEC. 707. FORMS AND STUDY RELATING TO IMPROVED COVERAGE FOR MEMBERS OF THE SELECTED RESERVE.

(a) FORMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop forms to be used by civilian health care providers under the purchased care component of the TRICARE program for medical care for members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces eligible for TRICARE Reserve Select.

(2) INFORMATION TO INCLUDE.—Forms developed under paragraph (1) shall include opportunities for a civilian health care provider to indicate, with respect to a member of the Selected Reserve, the following information:

(A) Medical Readiness Classification.

(B) Fitness for deployment.

(C) Any other information the Secretary determines necessary.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on—

(A) the phasing out of mass medical events and periodic health assessments for members of the Selected Reserve eligible for TRICARE Reserve Select; and

(B) the replacement of such events and processes with the new TRICARE Reserve Select coverage model under section 1076d of title 10, United States Code, as amended by section 706(a), and the use of forms by civilian health care providers as specified in subsection (a).

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the study conducted under paragraph (1).

(c) DEFINITIONS.—In this section, the terms ''TRICARE program'' and ''TRICARE Reserve Select'' have the meanings given those terms in section 1072 of title 10, United States Code.

SA 6311. 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, insert the following:

SEC. _____. GRANTS TO COMBAT VIOLENT CRIMES AGAINST NATIVE HAWAIIAN WOMEN.

(a) AMENDMENT.—Section 2001(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ''or Native Hawaiian'' after ''Indian'';

(B) in subparagarph (B), by inserting ''or Native Hawaiian'' after ''Indian'';

(C) in subparagraph (C), by inserting ''or Native Hawaiian communities'' after ''tribal communities''; and

(D) in subparagraph (D)—

(i) by inserting ''or Native Hawaiian communities'' after ''Indian tribes''; and

(ii) by inserting ''or Native Hawaiian'' after ''against Indian'';

(2) in paragraph (2)—

(A) in subparagraph (A)(iii), by inserting ''or Native Hawaiian communities'' after ''Indian tribes''; and

(B) in subparagraph (B), by inserting ''or Native Hawaiian communities'' after ''Indian tribes''; and

(3) by adding at the end the following:

''(6) NATIVE HAWAIIAN DEFINED.—In this subsection, the term 'Native Hawaiian' has the meaning given that term in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 40002(a)(42) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(42)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''or the Native Hawaiian community'' after ''Indian service providers''; and

(B) by inserting ''or Native Hawaiian'' after ''designed to assist Indian''; and

(2) in subparagraph (B), in clause (ii), by inserting ''or Native Hawaiian communities'' after ''tribal communities''.

SA 6312. Ms. SMITH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. CDFI BOND GUARANTEE PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''CDFI Bond Guarantee Program Improvement Act of 2022'',

(b) SENSE OF CONGRESS.—It is the sense of Congress that the authority to guarantee bonds under section 114A of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4713a) (in this section referred to as the ''CDFI Bond Guarantee Program'') provides community development financial institutions with a sustainable source of long-term capital and furthers the mission of the Community Development Financial Institutions Fund (established under section 104(a) of such Act (12 U.S.C. 4703(a)) to increase economic opportunity and promote community development investments for underserved populations and distressed communities in the United States.

(c) GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.—Section 114A of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4713a) is amended—

(1) in subsection (c)(2), by striking '', multiplied by an amount equal to the outstanding principal balance of issued notes or bonds'';

(2) in subsection (e)(2)(B), by striking ''$100,000,000'' and inserting ''$25,000,000''; and

(3) in subsection (k), by striking ''September 30, 2014'' and inserting ''the date that is 4 years after the date of enactment of the CDFI Bond Guarantee Program Improvement Act of 2022''.

(d) REPORT ON THE CDFI BOND GUARANTEE PROGRAM.—Not later than 1 year after the date of enactment of this Act, and not later than 3 years after such date of enactment, the Secretary of the Treasury shall issue a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the effectiveness of the CDFI Bond Guarantee Program.

SA 6313. 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 title XII, add the following:

Subtitle G—Strengthening International Cybersecurity Engagement

SEC. 1281. FINDINGS.

Congress finds the following:

(1) The stated goal of the United States International Strategy for Cyberspace, launched on May 16, 2011, is to ''work internationally to promote an open, interoperable, secure, and reliable information and communications infrastructure that supports international trade and commerce, strengthens international security, and fosters free expression and innovation in which norms of responsible behavior guide states' actions, sustain partnerships, and support the rule of law in cyberspace.''.

(2) On April 11, 2017, the 2017 Group of 7 Declaration on Responsible State Behavior in Cyberspace—

(A) recognized ''the urgent necessity of increased international cooperation to promote security and stability in cyberspace'';

(B) expressed commitment to ''promoting a strategic framework for conflict prevention, cooperation and stability in cyberspace, consisting of the recognition of the applicability of existing international law to State behavior in cyberspace, the promotion of voluntary, non-binding norms of responsible State behavior during peacetime, and the development and the implementation of practical cyber confidence building measures (CBMs) between States''; and

(C) reaffirmed that ''the same rights that people have offline must also be protected online''.

(3) The 2018 National Cyber Strategy states that ''[t]he United States will strive to improve international cooperation in investigating malicious cyber activity, including developing solutions to potential barriers to gathering and sharing evidence'' and ''will promote a framework of responsible state behavior in cyberspace built upon international law, adherence to voluntary nonbinding norms of responsible state behavior that apply during peacetime, and the consideration of practical confidence building measures to reduce the risk of conflict stemming from malicious cyber activity''.

(4) In its May 28, 2021 consensus report, the United Nations Group of Governmental Experts on Advancing Responsible State Behavior in Cyberspace wrote that countries ''should cooperate in developing and applying measures to increase stability and security in the use of ICTs'' and ''respect and protect human rights and fundamental freedoms, both online and offline in accordance with their respective obligations''.

(5) Emerging technologies, such as artificial intelligence, biotechnology, and quantum computing—

(A) have profound implications for global cybersecurity;

(B) are deeply integrated with, and often dependent on, information and communication technologies;

(C) are exposed to cyber threats and may have cyber vulnerabilities that could cause significant harm, if exploited; and

(D) can be used both offensively and defensively in cyberspace.

SEC. 1282. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States and its allies and partners must cooperate to ensure the security and safety of information and communication technologies to ensure global peace and prosperity and protect democratic institutions, norms, and values;

(2) the United States should engage with adversary nations, as appropriate—

(A) to define responsible norms of behavior in cyberspace;

(B) to address nonstate cybersecurity threats; and

(C) to establish confidence-building measures that reduce the risk of unintended cyber conflict and escalation;

(3) effective international engagement across cyber issues and stakeholders requires strategic planning, focused leadership, dedicated resources and personnel, and continuous monitoring and evaluation;

(4) Federal agencies involved in international cybersecurity engagement—

(A) must ensure that the preconditions described in paragraph (3) are in place; and

(B) must work with each other to ensure that efforts are consistent, coordinated, and nonduplicative; and

(5) United States international cybersecurity engagement—

(A) must draw on the active involvement, expertise, and resources of the private sector and civil society; and

(B) United States international cybersecurity engagement must account for the cybersecurity implications of novel and emerging technologies.

SEC. 1283. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to work internationally to promote an open, interoperable, reliable, and secure internet governed by a multi-stakeholder model that—

(A) promotes human rights, democracy, and the rule of law;

(B) respects individual privacy; and

(C) guards against deception, fraud, and theft;

(2) to take an active role in international and multi-stakeholder fora to strengthen existing norms of responsible behavior of cyberspace, including those set forth in the 2015 and 2021 consensus reports of the United Nations Group of Governmental Experts on Advancing Responsible State Behavior in Cyberspace;

(3) to incorporate, as appropriate, the interests, expertise, and resources of the private sector and civil society into international cybersecurity efforts;

(4) to help allies and partners boost their own cyber capabilities and resiliency in order to pursue, defend, and protect shared interests and values;

(5) to support, in collaboration with allies and partners, the innovation, development, and adoption of technologies and technical standards that—

(A) improve cybersecurity; and

(B) sustain a free, open, and secure internet; and

(6) to coordinate international cybersecurity engagement across the Federal Government to ensure that such efforts are consistent and nonduplicative.

SEC. 1284. REPORT ON UNITED STATES INTERNATIONAL CYBERSECURITY EFFORTS.

(a) DEFINED TERM.—In this section, the term ''national security strategy'' means the national security strategy of the United States required to be transmitted to Congress annually under section 108 of the National Security Act of 1947 (50 U.S.C. 3043).

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 3 years thereafter, the Secretary of State, in coordination with the National Cyber Director, the Secretary of Defense, the Director of the National Security Agency, the Secretary of Commerce, the Attorney General, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the heads of such other relevant Federal agencies as the Secretary of State considers appropriate, and in consultation with such nongovernmental partners as the Secretary of State considers appropriate, shall—

(1) review United States strategy, programs, and resources pertaining to international engagement on cybersecurity issues, including relevant diplomatic, foreign assistance, and joint law enforcement initiatives; and

(2) submit a report to the appropriate congressional committees that contains the findings of the review conducted pursuant to paragraph (1).

(c) REPORT ELEMENTS.—Each report submitted pursuant to subsection (b)(2) shall indicate—

(1) whether and to what extent previous and ongoing United States international engagements on cybersecurity-related issues have—

(A) reduced the frequency and severity of cyberattacks on United States individuals, businesses, governmental agencies, and other organizations;

(B) reduced cybersecurity risks to United States and allied critical infrastructure;

(C) deterred and disrupted international cybercrime, including ransomware attacks;

(D) induced other countries to endorse and uphold international laws, norms, standards, and principles supporting a free, open, and secure internet, including relevant treaties and international agreements;

(E) improved allies' and partners' cybersecurity capabilities;

(F) fostered allies' and partners' collaboration with the United States on cybersecurity issues, including information sharing, regulatory coordination and improvement, and joint investigatory and law enforcement operations related to cybercrime;

(G) disrupted the laundering of cybercrime proceeds and other illicit financial activities related to cybercrime, including activities involving cryptocurrency and related services and exchanges;

(H) recovered the proceeds of cybercrime; and

(I) supported the innovation and development of new methods and tools for improving cybersecurity;

(2) the key ongoing challenges to achieving the objectives described in paragraph (1);

(3) whether the budgetary resources, technical expertise, legal authorities, and personnel available to the Department of State and other relevant Federal agencies are adequate to achieve the objectives described in paragraph (1);

(4) whether United States international engagements on cybersecurity-related issues adequately mobilize the private sector and civil society;

(5) whether the Department of State is properly organized and coordinated with other Federal agencies to achieve the objectives described in paragraphs (1), (3), and (4);

(6) country-specific strategies for United States international engagement with respect to malign activity in cyberspace by China, Russia, Iran, North Korea, and each country determined to be a state sponsor of international cybercrime; and

(7) any other matters that the Secretary of State considers relevant.

(d) CLASSIFICATION AND PUBLICATION.—Each report required under subsection (b)(2)—

(1) shall be unclassified, but may include a classified annex; and

(2) shall be published (without its classified annex, if any) on the public website of the Department of State.

(e) INTERAGENCY COOPERATION.—Upon a request from the Secretary of State, the head of a Federal agency, subject to any applicable restrictions under other provisions of law, shall provide full support and cooperation to the Secretary in carrying out this section, including by providing information necessary to prepare the report and strategy required under subsection (b)(2).

SEC. 1285. ESTABLISHMENT OF CYBERSECURITY ASSISTANCE FUND.

Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) is amended by adding at the end the following:

''CHAPTER 10—CYBERSECURITY ASSISTANCE FUND

''SEC. 591. FINDINGS.

''Congress finds the following:

''(1) Increasingly digitized and interconnected social, political, and economic systems have introduced new vulnerabilities for malicious actors to exploit, which threatens economic and national security.

''(2) The rapid development, deployment, and integration of information and communication technologies into all aspects of modern life bring mounting risks of accidents and malicious activity involving such technologies, and their potential consequences.

''(3) Because information and communication technologies are globally manufactured, traded, and networked, the economic and national security of the United State depends greatly on cybersecurity developments and practices in other countries.

''(4) United States assistance to countries and international organizations to bolster civilian cybersecurity capacity can help—

''(A) reduce vulnerability in the information and communication technologies ecosystem; and

''(B) advance national and economic security objectives.

''SEC. 592. AUTHORIZATION OF ASSISTANCE FOR CYBERSECURITY CAPACITY BUILDING.

''(a) AUTHORIZATION.—The Secretary of State is authorized to provide assistance to foreign governments and organizations, including national and regional institutions, on such terms and conditions as the Secretary may determine, in order to build the cybersecurity capacity of partner countries and organizations.

''(b) SCOPE OF ASSISTANCE.—Assistance under this section may include—

''(1) support for the development of national strategies to enhance cybersecurity;

''(2) programs to enhance government-industry collaboration to manage cybersecurity risks and share cybersecurity knowledge;

''(3) expertise on the revision and enactment of criminal laws, policies, and procedures related to cybersecurity threats;

''(4) support for the development of cybersecurity watch, warning, response, and recovery capabilities, including through the development of cybersecurity incident response teams;

''(5) programs to strengthen the government's capacity to detect, investigate, deter, and prosecute cybercrimes;

''(6) programs to build a culture of cybersecurity, increasing awareness of citizenry and industry of their critical role in cybersecurity;

''(7) programs to enhance cybersecurity workforce development;

''(8) support for the development and use of globally relevant information and communication technologies security standards endorsed by bodies that are transparent and invite multi-stakeholder engagement;

''(9) programs to provide information and resources to diplomats engaging in discussions and negotiations around international law, norms, and capacity building measures related to cybersecurity;

''(10) support for multilateral, intergovernmental, and nongovernmental efforts to coordinate cybersecurity capacity building efforts internationally;

''(11) programs that enhance the ability of relevant stakeholders to act collectively against shared cybersecurity threats;

''(12) support for collaboration with the Cybersecurity and Infrastructure Security Agency and other relevant Federal agencies to enhance cybersecurity;

''(13) programs addressing emerging issues relevant to cybersecurity, including security, safety, and resilience concerns related to artificial intelligence, biotechnology, autonomous systems, and other emerging technological domains; and

''(14) such other functions in furtherance of this chapter, as determined by the Secretary of State.

''(c) RESPONSIBILITY FOR POLICY DECISIONS AND JUSTIFICATION.—The Secretary of State, or a designated Senate-confirmed official of the Department of State, shall be responsible for policy decisions and justifications for cybersecurity capacity support programs under this chapter, including determinations of—

''(1) whether there will be a cybersecurity support program for a country or organization; and

''(2) the amount of funds for each country or organization.

''(d) DETAILED JUSTIFICATION FOR USES AND PURPOSES OF FUNDS.—As part of the presentation materials for foreign assistance submitted annually to Congress, the Secretary of State or the Secretary's designee shall provide a detailed justification for the uses and purposes of the amounts provided under this chapter, including information concerning—

''(1) the amounts and kinds of cash grant transfers;

''(2) the amounts and kinds of budgetary and balance-of-payments support provided; and

''(3) the amounts and kinds of project assistance provided with such amounts.

''(e) ASSISTANCE UNDER OTHER AUTHORITIES.—The authority granted under this section to provide assistance for cybersecurity capacity building in countries and organizations does not preclude the use of other authorities also available for such purpose.

''(f) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out this chapter shall be available for—

''(1) civilian cybersecurity programs; and

''(2) supporting military organizations if—

''(A) such organizations are responsible for civilian cybersecurity in their respective countries; and

''(B) such amounts are directed only toward the civilian cybersecurity activities of such organizations.

''(g) NOTIFICATION REQUIREMENTS.—Funds may not be obligated for assistance under this section unless the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives are each notified in writing of the amount and nature of the proposed assistance not later than 15 days before making such funds available for assistance.

''SEC. 593. REVIEW OF EMERGENCY ASSISTANCE CAPACITY.

''(a) IN GENERAL.—The Secretary of State, in consultation with other relevant Federal departments and agencies, including the Department of Defense, the Department of Justice, the Department of Homeland Security, the Department of Commerce, and the Department of Treasury, shall conduct a review that—

''(1) analyzes the Department of State's capacity to promptly and effectively deliver emergency support to countries experiencing major cybersecurity incidents;

''(2) identifies relevant legal, institutional, and resource constraints preventing the support referred to in paragraph (1); and

''(3) develops a plan for resolve such constraints.

''(b) REPORT.—Not later than 1 year after the date of the enactment of the International Cybercrime Response Act of 2022, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains the results of the review conducted pursuant to subsection (a).

''SEC. 594. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated $150,000,000, during the 5-year period beginning on October 1, 2022, to carry out the purposes of this chapter.''.

SEC. 1286. ASSESSMENT, MONITORING, AND EVALUATION OF CYBERSECURITY CAPACITY BUILDING ASSISTANCE.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall—

(1) develop an assessment, monitoring, and evaluation program for cybersecurity capacity building assistance provided by the Department of State to countries and organizations, including assistance provided pursuant to chapter 10 of part II of the Foreign Assistance Act of 1961, as added by section 1285; and

(2) provide a briefing to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the program developed pursuant to paragraph (1).

(b) ELEMENTS.—The program developed pursuant to subsection (a)(1) shall include—

(1) maintaining a complete list of every cybersecurity capacity building assistance project of the Department of State that has a total budget in excess of $100,000;

(2) regularly evaluating the efficacy and efficiency of cybersecurity capacity building assistance, including—

(A) assessing the overall efficacy and efficiency of the Department of State's cybersecurity capacity building assistance efforts, including whether such efforts are—

(i) appropriately prioritized across different geographies, recipient organizations, and cybersecurity activities;

(ii) aligned with other Department of State and United States cybersecurity initiatives;

(iii) adequately informed by, and integrated with, relevant cybersecurity efforts in the private sector and civil society;

(iv) coordinated with other Federal agencies engaged in international cybersecurity activities, including the Department of Defense, the Department of Homeland Security, the Cybersecurity and Infrastructure Security Agency, and the Department of Commerce; and

(v) duplicative of other public or private sector initiatives;

(B) defining measurable project-level evaluation criteria;

(C) individually assessing every project referred to in paragraph (1) against the criteria defined pursuant to subparagraph (B), as applicable; and

(D) identifying relevant human rights and civil liberties concerns pertaining to each project referred to in paragraph (1), and assessing whether and how such concerns have been addressed; and

(3) identifying the lessons learned in carrying out cybersecurity capacity building assistance and recommendations for improving future assistance.

(c) OVERSIGHT.—The Secretary of State shall designate a senior official of the Department of State to lead, in coordination with relevant regional and functional bureaus, the ongoing implementation of the program developed pursuant to subsection (a)(1).

(d) GAO REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States Government Accountability Office shall—

(1) evaluate the capacity of Department of State cybersecurity capacity building assistance to achieve desired outcomes in accordance with the framework described in subsection (b); and

(2) publish a report containing the results of the evaluation conducted pursuant to paragraph (1).

SA 6314. Mrs. SHAHEEN (for herself, Mr. ROMNEY, Mr. WICKER, Mr. BLUMENTHAL, Mr. CORNYN, Mr. TILLIS, Mr. DURBIN, Mr. KING, Mr. CARDIN, Mr. PORTMAN, 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 title XII, add the following:

Subtitle G—Black Sea Security

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Black Sea Security Act of 2022''.

SEC. 1282. SENSE OF CONGRESS ON BLACK SEA SECURITY.

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

(1) it is in the interest of the United States to prevent the spread of further armed conflict in Europe by recognizing the Black Sea region as an arena of Russian aggression;

(2) littoral states of the Black Sea are critical in countering aggression by the Government of the Russian Federation and contributing to the collective security of NATO;

(3) the repeated, illegal, unprovoked, and violent attempts of the Russian Federation to expand its territory and control access to the Mediterranean through the Black Sea constitutes a threat to the national security of the United States and NATO;

(4) the United States condemns attempts by the Russian Federation to change or alter boundaries in the Black Sea region by force or any means contrary to international law and to impose a sphere of influence across the region;

(5) the United States and its allies should robustly counter Russia's purported territorial claims on the Crimean Peninsula, along Ukraine's territorial waters in the Black Sea and the Sea of Azov, in the Black Sea's international waters, and in the territories it is illegally occupying in Ukraine;

(6) the United States should continue to work within NATO and with NATO Allies to develop a long-term strategy to enhance security, establish a permanent, sustainable presence in the eastern flank, and bolster the democratic resilience of its allies and partners in the region;

(7) the United States should also work with the European Union in coordinating a strategy to support democratic initiatives and economic prosperity in the region, which includes two European Union members and four European Union aspirant nations;

(8) the United States should explore efforts to rebuild trust and bilateral relations with Turkey, a key NATO Ally in the Black Sea region and a bulwark against Iran;

(9) it is in the interest of the United States that NATO adopt a robust strategy toward the Black Sea, including by working with interested partner countries in the region to advance common security objectives;

(10) the United States should work to foster dialogue among countries within the Black Sea region to improve communication and intelligence sharing and increase cyber defense capabilities;

(11) countries with historic and economic ties to Russia are looking to the United States and Europe to provide a positive economic presence in the broader region as a counterbalance to the Russian Federation's malign influence in the region;

(12) it is in the interest of the United States to support and bolster the economic ties between the United States and Black Sea partners;

(13) the United States should support the initiative undertaken by central and eastern European states to advance the Three Seas Initiative Fund to strengthen transport, energy, and digital infrastructure connectivity in the region between the Adriatic Sea, Baltic Sea, and Black Sea;

(14) there are mutually beneficial opportunities for increased investment and economic expansion, particularly on energy, climate, and transport infrastructure initiatives, between the United States and Black Sea states and the broader region;

(15) improved economic ties between the United States and the Black Sea states and the broader region can lead to a strengthened strategic partnership;

(16) the United States must seek to address the food security challenges arising from closure of Ukraine's Black Sea ports, as this global challenge will have critical national security implications for the United States, our partners, and allies;

(17) Russia has a brutal history of using hunger as a weapon and must be stopped; and

(18) countering the PRC's coercive economic pursuits remains an important policy imperative in order to further integrate the Black Sea countries into western economies and improve regional stability.

SEC. 1283. UNITED STATES POLICY.

It is the policy of the United States to—

(1) actively deter the threat of Russia's further escalation in the Black Sea region

and defend freedom of navigation in the Black Sea to prevent the spread of further armed conflict in Europe;

(2) advocate within NATO, among NATO Allies, and within the European Union to develop a long-term coordinated strategy to enhance security, establish a permanent, sustainable presence in the eastern flank, and bolster the democratic resilience of United States allies and partners in the region;

(3) support and bolster the economic ties between the United States and Black Sea partners and mobilize the Department of State and other relevant Federal departments and agencies by enhancing the United States presence and investment in Black Sea countries;

(4) provide economic alternatives to the PRC's coercive economic options that destabilize and further erode economic integration of the Black Sea littoral states;

(5) ensure that the United States continues to support Black Sea countries to strengthen their democratic institutions to prevent corruption and accelerate their advancement into the Euroatlantic community; and

(6) encourage the initiative undertaken by central and eastern European states to advance the Three Seas Initiative to strengthen transport, energy, and digital infrastructure connectivity in the region between the Adriatic Sea, Baltic Sea, and Black Sea.

SEC. 1284. BLACK SEA SECURITY AND DEVELOPMENT STRATEGY.

(a) BLACK SEA DEVELOPMENT AND SECURITY STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the National Security Council, in coordination with the Department of State and other relevant Federal departments and agencies, is authorized to direct an interagency strategy to increase military assistance and coordination with NATO and the European Union, deepen economic ties, strengthen economic and energy security and enhance security assistance with Black Sea countries, and support efforts to bolster their democratic resilience.

(b) PURPOSE AND OBJECTIVES.—The initiative established under subsection (a) shall have the following goals and objectives:

(1) Ensuring the efficient and effective delivery of security assistance to Black Sea states, prioritizing assistance that will bolster defenses against hybrid warfare and improve interoperability with NATO forces.

(2) Bolstering United States support for the region's energy security and integration with Europe and reducing their dependence on Russia while supporting energy diversification.

(3) Mitigating the impact of economic coercion by the Russian Federation and the PRC on Black Sea states and identifying new opportunities for foreign direct investment from the United States and cooperating countries and the enhancement of United States business ties.

(4) Increasing high-level engagement between the United States and the Black Sea states, and reinforcing economic growth, financing quality infrastructure, and reinforcing trade with a focus on improving high-level economic cooperation.

(5) Increasing United States coordination with the European Union and NATO to maximize effectiveness and minimize duplication.

(c) ACTIVITIES.—

(1) SECURITY.—The strategy established under subsection (a) shall include the following elements related to security:

(A) A plan to increase interagency coordination on the Black Sea region.

(B) A strategy for—

(i) the United States to increase NATO's presence and capabilities in the Black Sea region, including land, sea, and air forces; or

(ii) a United States-led initiative with NATO member states to increase coordination, presence, and regional engagement among Black Sea countries.

(C) A strategy to increase military assistance toward Black Sea countries, particularly Ukraine, Romania, Bulgaria, Moldova, and Georgia.

(D) Prioritization of intelligence, surveillance, and reconnaissance systems to monitor Russia's operations in the Black Sea region, as well as upgrading from air policing to air defense missions.

(E) An assessment of the value of establishing a joint, multinational three-star headquarters on the Black Sea, responsible for planning, readiness, exercises, and coordination of all Allied and partner military activity in the greater Black Sea region.

(F) An overview of Foreign Military Financing, International Military Education and Training, and other United States security assistance to the region.

(G) A plan for communicating the changes to NATO posture to the public in allied and partner countries, as well as in the Russian Federation and Belarus.

(H) A plan for combating Russian disinformation and propaganda in the Black Sea region, utilizing the resources of the United States Government, including the Global Engagement Center.

(I) A plan to promote greater freedom of navigation, working primarily with Turkey, Ukraine, Romania, and Bulgaria to allow for greater security and economic Black Sea access.

(2) ECONOMIC PROSPERITY.—The strategy established under subsection (a) shall include the following elements related to economic prosperity:

(A) A strategy to foster dialogue between experts from the United States and from the Black Sea states on economic expansion, foreign direct investment, strengthening rule of law initiatives, and mitigating economic coercion by Russia and the PRC.

(B) A strategy for all the relevant Federal departments and agencies that contribute to United States economic statecraft to expand their presence and identify new opportunities for private investment in Black Sea states.

(C) Assessments on energy diversification, focusing on the immediate need to replace energy supplies from Russia, and recognize the long-term importance of broader energy diversification, including clean energy initiatives.

(D) Assessments of potential food security solutions.

(3) DEMOCRATIC RESILIENCE.—The strategy established under subsection (a) shall include the following elements related to democratic resilience:

(A) A strategy to increase independent media and United States-supported media initiatives to combat foreign malign influence in the Black Sea region.

(B) Greater mobilization of initiatives spearheaded by the Global Engagement Center and the United States Agency for International Development to counter Russian propaganda and disinformation in the Black Sea region.

(4) REGIONAL CONNECTIVITY.—The strategy established under subsection (a) shall promote regional connectivity by sending high-level representatives of the Department of State or other agency partners to—

(A) the Black Sea region not less frequently than twice a year; and

(B) major regional fora on infrastructure and energy security, including the Three Seas Initiative Summit.

(d) IDENTIFICATION OF NECESSARY PROGRAMS AND RESOURCES.—No later than 360 days after the date of the enactment of this Act, the interagency shall identify any necessary program, policy, or budgetary resources required, by agency, to support implementation of the Black Sea Security Strategy for fiscal years 2024, 2025, and 2026.

(e) RESPONSIBILITIES OF FEDERAL DEPARTMENTS AND AGENCIES.—Nothing under this section shall be deemed to authorize the National Security Council to assume any of the responsibilities or authorities of the head of any Federal department, agency, or office, including the foreign affairs responsibilities and authorities of the Secretary of State, to oversee the implementation of programs and policies under this section.

SEC. 1285. DEFINITIONS.

In this subtitle:

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

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

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

(2) BLACK SEA STATES.—The term ''Black Sea states'' means Turkey, Romania, Bulgaria, Moldova, Ukraine, and Georgia.

(3) THREE SEAS INITIATIVE INVESTMENT FUND COUNTRIES.— The term ''Three Seas Initiative Investment Fund countries'' means Estonia, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Hungary, Slovenia, Austria, Croatia, Romania, and Bulgaria.

SA 6315. Mrs. SHAHEEN (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 end of title XII, add the following:

Subtitle G—FENTANYL Results Act

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Fighting Emerging Narcotics Through Additional Nations to Yield Lasting Results Act'' or the ''FENTANYL Results Act''.

SEC. 1282. PRIORITIZATION OF EFFORTS OF THE DEPARTMENT OF STATE TO COMBAT INTERNATIONAL TRAFFICKING IN COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—The Secretary of State shall prioritize efforts of the Department of State to combat international trafficking of covered synthetic drugs by carrying out programs and activities to include the following:

(1) Supporting increased data collection by the United States and foreign countries through increased drug use surveys among populations, increased use of wastewater testing where appropriate, and multilateral sharing of that data.

(2) Engaging in increased consultation and partnership with international drug agencies, including the European Monitoring Centre for Drugs and Drug Addiction, regulatory agencies in foreign countries, and the United Nations Office on Drugs and Crime.

(3) Carrying out programs to provide technical assistance and equipment, as appropriate, to strengthen the capacity of foreign

law enforcement agencies with respect to covered synthetic drugs, as required by section 1283.

(4) Carrying out exchange programs for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development on demand reduction matters relating to the illicit use of covered synthetic drugs and other drugs, as required by section 1284.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this section.

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

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

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

SEC. 1283. PROGRAM TO PROVIDE ASSISTANCE TO BUILD THE CAPACITY OF FOREIGN LAW ENFORCEMENT AGENCIES WITH RESPECT TO COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), the Secretary of State shall establish a program to provide assistance to strengthen the capacity of law enforcement agencies of the countries described in subsection (c) to help such agencies to identify, track, and improve their forensics detection capabilities with respect to covered synthetic drugs.

(b) PRIORITY.—The Secretary of State shall prioritize technical assistance, and the provision of equipment, as appropriate, under subsection (a) among those countries described in subsection (c) in which such assistance and equipment would have the most impact in reducing illicit use of covered synthetic drugs in the United States.

(c) COUNTRIES DESCRIBED.—The foreign countries described in this subsection are—

(1) countries that are producers of covered synthetic drugs;

(2) countries whose pharmaceutical and chemical industries are known to be exploited for development or procurement of precursors of covered synthetic drugs; or

(3) major drug-transit countries for covered synthetic drugs as defined by the Secretary of State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State to carry out this section $4,000,000 for each of fiscal years 2023 through 2027. Such amounts shall be in addition to amounts otherwise available for such purposes.

SEC. 1284. EXCHANGE PROGRAM ON DEMAND REDUCTION MATTERS RELATING TO ILLICIT USE OF COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—The Secretary of State shall establish or continue and strengthen, as appropriate, an exchange program for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development on demand reduction matters relating to the illicit use of covered synthetic drugs and other drugs.

(b) PROGRAM REQUIREMENTS.—The program required by subsection (a)—

(1) shall be limited to individuals who have expertise and experience in matters described in subsection (a);

(2) in the case of inbound exchanges, may be carried out as part of exchange programs and international visitor programs administered by the Bureau of Educational and Cultural Affairs of the Department of State, including the International Visitor Leadership Program, in coordination with the Bureau of International Narcotics and Law Enforcement Affairs; and

(3) shall include outbound exchanges for governmental or nongovernmental personnel in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State to carry out this section $1,000,000 for each of fiscal years 2023 through 2027. Such amounts shall be in addition to amounts otherwise available for such purposes.

SEC. 1285. AMENDMENTS TO INTERNATIONAL NARCOTICS CONTROL PROGRAM.

(a) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended—

(1) by redesignating the second paragraph (10) as paragraph (11); and

(2) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

''(C) DEFINITIONS.—In this paragraph, the terms 'covered synthetic drug' and 'new psychoactive substance' have the meaning given those terms in section 1287 of the FENTANYL Results Act.''.

(b) DEFINITION OF MAJOR ILLICIT DRUG PRODUCING COUNTRY.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (D), by striking the semicolon at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(E) that is a significant direct source of covered synthetic drugs or psychotropic drugs or other controlled substances, including precursor chemicals when those chemicals are used in the production of such drugs and substances, significantly affecting the United States;'';

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

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

(3) in paragraph (7), by striking ''; and'' and inserting a semicolon;

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

(5) by adding at the end the following:

''(9) the term 'covered synthetic drug' has the meaning given that term in section 1287 of the FENTANYL Results Act.''.

SEC. 1286. SENSE OF CONGRESS.

It is the sense of Congress that—

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

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

SEC. 1287. DEFINITIONS.

In this subtitle:

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

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

(B) a new psychoactive substance.

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

(A) is not—

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

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

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

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

SA 6316. 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. CONTRACEPTION COVERAGE PARITY UNDER THE TRICARE PROGRAM.

(a) PHARMACY BENEFITS PROGRAM.—Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) Notwithstanding subparagraphs (A), (B), and (C), cost-sharing requirements may not be imposed and cost-sharing amounts may not be collected with respect to any eligible covered beneficiary for any prescription contraceptive on the uniform formulary provided through a retail pharmacy described in paragraph (2)(E)(ii) or through the national mail-order pharmacy program.''.

(b) TRICARE SELECT.—Section 1075 of such title is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

''(4)(A) Notwithstanding any other provision of this section, cost-sharing requirements may not be imposed and cost-sharing amounts may not be collected with respect to any beneficiary under this section for a service described in subparagraph (B) that is provided by a network provider.

''(B) A service described in this subparagraph is any method of contraception approved by the Food and Drug Administration, any contraceptive care (including with respect to insertion, removal, and follow up), any sterilization procedure, or any patient education or counseling service provided in connection with any such method, care, or procedure.''; and

(2) in subsection (f), by striking ''calculated as'' and inserting ''calculated (except as provided in subsection (c)(4)) as''.

(c) TRICARE PRIME.—Section 1075a of such title is amended by adding at the end the following new subsection:

''(d) PROHIBITION ON COST-SHARING FOR CERTAIN SERVICES.—(1) Notwithstanding subsections (a), (b), and (c), cost-sharing requirements may not be imposed and cost-sharing amounts may not be collected with respect to any beneficiary enrolled in TRICARE Prime for a service described in paragraph (2) that is provided under TRICARE Prime.

''(2) A service described in this paragraph is any method of contraception approved by the Food and Drug Administration, any contraceptive care (including with respect to insertion, removal, and follow up), any sterilization procedure, or any patient education or counseling service provided in connection with any such method, care, or procedure.''.

SA 6317. Mr. MANCHIN (for himself, Mr. LUJAN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMOUNTS FOR NEXT GENERATION RADAR AND RADIO ASTRONOMY IMPROVEMENTS AND RELATED ACTIVITIES.

There are authorized to be appropriated to the National Science Foundation, $176,000,000 for the period of fiscal years 2023 through 2025 for the design, development, prototyping, or mid-scale upgrades of next generation radar and radio astronomy improvements and related activities under section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–4).

SA 6318. Mr. MANCHIN (for himself, Mr. LUJAN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMOUNTS FOR NEXT GENERATION RADAR AND RADIO ASTRONOMY IMPROVEMENTS AND RELATED ACTIVITIES.

There are authorized to be appropriated to the National Science Foundation, $176,000,000 for the period of fiscal years 2023 through 2025 for the design, development, prototyping, or mid-scale upgrades of next generation radar and radio astronomy improvements and related activities under section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-4).

SA 6319. 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 title X, add the following:

Subtitle H—Reporting Suspicious Transmissions

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''See Something, Say Something Online Act of 2022''.

SEC. 1082. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) section 230 of the Communications Act of 1934 (47 U.S.C. 230) (commonly known as the ''Communications Decency Act of 1996'') was never intended to provide legal protection for websites or interactive computer service providers that do nothing after becoming aware of instances of individuals or groups planning, committing, promoting, and facilitating terrorism, serious drug offenses, and violent crimes;

(2) it is not the intent of this subtitle to remove or strip all liability protection from websites or interactive computer service providers that are proactively working to resolve these issues; and

(3) should websites or interactive computer service providers fail to exercise due care in the implementation, filing of the suspicious transmission activity reports, and reporting of major crimes, Congress intends to look at removing liability protections under the Communications Decency Act of 1996 in its entirety.

SEC. 1083. DEFINITIONS.

In this subtitle:

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

(2) INTERACTIVE COMPUTER SERVICE.—The term ''interactive computer service'' has the meaning given the term in section 230 of the Communications Act of 1934 (47 U.S.C. 230).

(3) KNOWN SUSPICIOUS TRANSMISSION.—The term ''known suspicious transmission'' means any suspicious transmission that a provider of an interactive computer service—

(A) should have reasonably known to have occurred; or

(B) was notified of by a director, officer, employee, agent, interactive computer service user, or State or Federal law enforcement agency.

(4) MAJOR CRIME.—The term ''major crime'' means a Federal criminal offense—

(A) that is a crime of violence (as defined in section 16 of title 18, United States Code);

(B) relating to domestic or international terrorism (as those terms are defined in section 2331 of title 18, United States Code); or

(C) that is a serious drug offense (as defined in section 924(e) of title 18, United States Code).

(5) STAR.—The term ''STAR'' means a suspicious transmission activity report required to be submitted under section 1084.

(6) SUSPICIOUS TRANSMISSION.—The term ''suspicious transmission'' means any public or private post, message, comment, tag, transaction, or any other user-generated content or transmission that commits, facilitates, incites, promotes, or otherwise assists the commission of a major crime.

SEC. 1084. REPORTING OF SUSPICIOUS ACTIVITY.

(a) MANDATORY REPORTING OF SUSPICIOUS TRANSMISSIONS.—

(1) IN GENERAL.—If a provider of an interactive computer service detects a suspicious transmission, the provider, including any director, officer, employee, agent, or representative of the provider, shall submit to the Department a STAR describing the suspicious transmission in accordance with this section.

(2) REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), a STAR required to be submitted under paragraph (1) shall be submitted not later than 30 days after the date on which the provider of an interactive computer service—

(i) initially detects the suspicious transmission; or

(ii) is alerted to the suspicious transmission on the platform of such service.

(B) IMMEDIATE NOTIFICATION.—In the case of a suspicious transmission that requires immediate attention, such as an active sale or solicitation of sale of drugs or a threat of terrorist activity, the provider of an interactive computer service shall—

(i) immediately notify, by telephone, an appropriate law enforcement authority; and

(ii) file a STAR in accordance with this section.

(C) DELAY OF SUBMISSION.—The 30-day period described in subparagraph (A) may be extended by 30 days if the provider of an interactive computer service provides a valid reason to the agency designated or established under subsection (b)(2).

(b) REPORTING PROCESS.—

(1) IN GENERAL.—The Attorney General shall establish a process by which a provider of an interactive computer service may submit STARs under this section.

(2) DESIGNATED AGENCY.—

(A) IN GENERAL.—In carrying out this section, the Attorney General shall designate an agency within the Department, or, if the Attorney General determines appropriate, establish a new agency within the Department, to which STARs should be submitted under subsection (a).

(B) CONSUMER REPORTING.—The agency designated or established under subparagraph (A) shall establish a centralized online resource, which may be used by individual members of the public to report suspicious activity related to major crimes for investigation by the appropriate law enforcement or regulatory agency.

(C) COOPERATION WITH INDUSTRY.—The agency designated or established under subparagraph (A)—

(i) may conduct training for enforcement agencies and for providers of interactive computer services on how to cooperate in reporting suspicious activity;

(ii) may develop relationships for promotion of reporting mechanisms and resources available on the centralized online resource required to be established under subparagraph (B); and

(iii) shall coordinate with the National White Collar Crime Center to convene experts to design training programs for State and local law enforcement agencies, which may include using social media, online ads, paid placements, and partnering with expert non-profit organizations to promote awareness and engage with the public.

(c) CONTENTS.—Each STAR submitted under this section shall contain, at a minimum—

(1) the name, location, and other such identification information as submitted by the user to the provider of the interactive computer service;

(2) the date and nature of the post, message, comment, tag, transaction, or other user-generated content or transmission detected for suspicious activity such as time, origin, and destination; and

(3) any relevant text, information, and metadata related to the suspicious transmission.

(d) RETENTION OF RECORDS AND NONDISCLOSURE.—

(1) RETENTION OF RECORDS.—Each provider of an interactive computer service shall—

(A) maintain a copy of any STAR submitted under this section and the original record equivalent of any supporting documentation for the 5-year period beginning on the date on which the STAR was submitted;

(B) make all supporting documentation available to the Department and any appropriate law enforcement agencies upon request; and

(C) not later than 30 days after the date on which the provider submits a STAR under this section, take action against the website or account reported unless the provider receives a notification from a law enforcement agency that the website or account should remain open.

(2) NONDISCLOSURE.—Except as otherwise prescribed by the Attorney General, no provider of an interactive computer service, or officer, director, employee, or agent of such a provider, subject to an order under subsection (a) may disclose the existence of, or terms of, the order to any person.

(e) DISCLOSURE TO OTHER AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall—

(A) ensure that STARs submitted under this section and reports from the public submitted under subsection (b)(2)(B) are referred as necessary to the appropriate Federal, State, or local law enforcement or regulatory agency;

(B) make information in a STAR submitted under this section available to an agency, including any State financial institutions supervisory agency or United States intelligence agency, upon request of the head of the agency; and

(C) develop a strategy to disseminate relevant information in a STAR submitted under this section in a timely manner to other law enforcement and government agencies, as appropriate, and coordinate with relevant nongovernmental entities, such as the National Center for Missing and Exploited Children.

(2) LIMITATION.—The Attorney General may only make a STAR available under paragraph (1) for law enforcement purposes.

(f) COMPLIANCE.—Any provider of an interactive computer service that fails to report a known suspicious transmission shall not be immune from civil or criminal liability for such transmission under section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)).

(g) APPLICATION OF FOIA.—Any STAR submitted under this section, and any information therein or record thereof, shall be exempt from disclosure under section 552 of title 5, United States Code, or any similar State, local, Tribal, or territorial law.

(h) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out this section.

(i) REPORT.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report describing the plan of the Department for implementation of this subtitle, including a breakdown of the costs associated with implementation.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this subtitle.

SEC. 1085. AMENDMENT TO COMMUNICATIONS DECENCY ACT.

Section 230(e) of the Communications Act of 1934 (47 U.S.C. 230(e)) is amended by adding at the end the following:

''(6) LOSS OF LIABILITY PROTECTION FOR FAILURE TO SUBMIT SUSPICIOUS TRANSMISSION ACTIVITY REPORT.—

''(A) DEFINITIONS.—In this paragraph, the terms 'known suspicious transmission' and 'suspicious transmission' have the meanings given those terms in section 1083 of the See Something, Say Something Online Act of 2022.

''(B) REQUIREMENT.—Any provider of an interactive computer service shall take reasonable steps to prevent or address unlawful users of the service through the reporting of suspicious transmissions.

''(C) FAILURE TO COMPLY.—Any provider of an interactive computer service that fails to report a known suspicious transmission may be held liable as a publisher for the related suspicious transmission.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to impair or limit any claim or cause of action arising from the failure of a provider of an interactive computer service to report a suspicious transmission.''.

SA 6320. 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 title X, add the following:

Subtitle H—Reporting Suspicious Transmissions

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''See Something, Say Something Online Act of 2022''.

SEC. 1082. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) section 230 of the Communications Act of 1934 (47 U.S.C. 230) (commonly known as the ''Communications Decency Act of 1996'') was never intended to provide legal protection for websites or interactive computer service providers that do nothing after becoming aware of instances of individuals or groups planning, committing, promoting, and facilitating terrorism, serious drug offenses, and violent crimes;

(2) it is not the intent of this subtitle to remove or strip all liability protection from websites or interactive computer service providers that are proactively working to resolve these issues; and

(3) should websites or interactive computer service providers fail to exercise due care in the implementation, filing of the suspicious transmission activity reports, and reporting of major crimes, Congress intends to look at removing liability protections under the Communications Decency Act of 1996 in its entirety.

SEC. 1083. DEFINITIONS.

In this subtitle:

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

(2) INTERACTIVE COMPUTER SERVICE.—The term ''interactive computer service'' has the meaning given the term in section 230 of the Communications Act of 1934 (47 U.S.C. 230).

(3) KNOWN SUSPICIOUS TRANSMISSION.—The term ''known suspicious transmission'' means any suspicious transmission that a provider of an interactive computer service—

(A) should have reasonably known to have occurred; or

(B) was notified of by a director, officer, employee, agent, interactive computer service user, or State or Federal law enforcement agency.

(4) MAJOR CRIME.—The term ''major crime'' means a Federal criminal offense—

(A) that is a crime of violence (as defined in section 16 of title 18, United States Code);

(B) relating to domestic or international terrorism (as those terms are defined in section 2331 of title 18, United States Code); or

(C) that is a serious drug offense (as defined in section 924(e) of title 18, United States Code).

(5) STAR.—The term ''STAR'' means a suspicious transmission activity report required to be submitted under section 1084.

(6) SUSPICIOUS TRANSMISSION.—The term ''suspicious transmission'' means any public or private post, message, comment, tag, transaction, or any other user-generated content or transmission that commits, facilitates, incites, promotes, or otherwise assists the commission of a major crime.

SEC. 1084. REPORTING OF SUSPICIOUS ACTIVITY.

(a) MANDATORY REPORTING OF SUSPICIOUS TRANSMISSIONS.—

(1) IN GENERAL.—If a provider of an interactive computer service detects a suspicious transmission, the provider, including any director, officer, employee, agent, or representative of the provider, shall submit to the Department a STAR describing the suspicious transmission in accordance with this section.

(2) REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), a STAR required to be submitted under paragraph (1) shall be submitted not later than 30 days after the date on which the provider of an interactive computer service—

(i) initially detects the suspicious transmission; or

(ii) is alerted to the suspicious transmission on the platform of such service.

(B) IMMEDIATE NOTIFICATION.—In the case of a suspicious transmission that requires immediate attention, such as an active sale or solicitation of sale of drugs or a threat of terrorist activity, the provider of an interactive computer service shall—

(i) immediately notify, by telephone, an appropriate law enforcement authority; and

(ii) file a STAR in accordance with this section.

(C) DELAY OF SUBMISSION.—The 30-day period described in subparagraph (A) may be extended by 30 days if the provider of an interactive computer service provides a valid

reason to the agency designated or established under subsection (b)(2).

(b) REPORTING PROCESS.—

(1) IN GENERAL.—The Attorney General shall establish a process by which a provider of an interactive computer service may submit STARs under this section.

(2) DESIGNATED AGENCY.—

(A) IN GENERAL.—In carrying out this section, the Attorney General shall designate an agency within the Department, or, if the Attorney General determines appropriate, establish a new agency within the Department, to which STARs should be submitted under subsection (a).

(B) CONSUMER REPORTING.—The agency designated or established under subparagraph (A) shall establish a centralized online resource, which may be used by individual members of the public to report suspicious activity related to major crimes for investigation by the appropriate law enforcement or regulatory agency.

(C) COOPERATION WITH INDUSTRY.—The agency designated or established under subparagraph (A)—

(i) may conduct training for enforcement agencies and for providers of interactive computer services on how to cooperate in reporting suspicious activity;

(ii) may develop relationships for promotion of reporting mechanisms and resources available on the centralized online resource required to be established under subparagraph (B); and

(iii) shall coordinate with the National White Collar Crime Center to convene experts to design training programs for State and local law enforcement agencies, which may include using social media, online ads, paid placements, and partnering with expert non-profit organizations to promote awareness and engage with the public.

(c) CONTENTS.—Each STAR submitted under this section shall contain, at a minimum—

(1) the name, location, and other such identification information as submitted by the user to the provider of the interactive computer service;

(2) the date and nature of the post, message, comment, tag, transaction, or other user-generated content or transmission detected for suspicious activity such as time, origin, and destination; and

(3) any relevant text, information, and metadata related to the suspicious transmission.

(d) RETENTION OF RECORDS AND NONDISCLOSURE.—

(1) RETENTION OF RECORDS.—Each provider of an interactive computer service shall—

(A) maintain a copy of any STAR submitted under this section and the original record equivalent of any supporting documentation for the 5-year period beginning on the date on which the STAR was submitted;

(B) make all supporting documentation available to the Department and any appropriate law enforcement agencies upon request; and

(C) not later than 30 days after the date on which the provider submits a STAR under this section, take action against the website or account reported unless the provider receives a notification from a law enforcement agency that the website or account should remain open.

(2) NONDISCLOSURE.—Except as otherwise prescribed by the Attorney General, no provider of an interactive computer service, or officer, director, employee, or agent of such a provider, subject to an order under subsection (a) may disclose the existence of, or terms of, the order to any person.

(e) DISCLOSURE TO OTHER AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall—

(A) ensure that STARs submitted under this section and reports from the public submitted under subsection (b)(2)(B) are referred as necessary to the appropriate Federal, State, or local law enforcement or regulatory agency;

(B) make information in a STAR submitted under this section available to an agency, including any State financial institutions supervisory agency or United States intelligence agency, upon request of the head of the agency; and

(C) develop a strategy to disseminate relevant information in a STAR submitted under this section in a timely manner to other law enforcement and government agencies, as appropriate, and coordinate with relevant nongovernmental entities, such as the National Center for Missing and Exploited Children.

(2) LIMITATION.—The Attorney General may only make a STAR available under paragraph (1) for law enforcement purposes.

(f) COMPLIANCE.—Any provider of an interactive computer service that fails to report a known suspicious transmission shall not be immune from civil or criminal liability for such transmission under section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)).

(g) APPLICATION OF FOIA.—Any STAR submitted under this section, and any information therein or record thereof, shall be exempt from disclosure under section 552 of title 5, United States Code, or any similar State, local, Tribal, or territorial law.

(h) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out this section.

(i) REPORT.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report describing the plan of the Department for implementation of this subtitle, including a breakdown of the costs associated with implementation.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this subtitle.

SEC. 1085. AMENDMENT TO COMMUNICATIONS DECENCY ACT.

Section 230(e) of the Communications Act of 1934 (47 U.S.C. 230(e)) is amended by adding at the end the following:

''(6) LOSS OF LIABILITY PROTECTION FOR FAILURE TO SUBMIT SUSPICIOUS TRANSMISSION ACTIVITY REPORT.—

''(A) DEFINITIONS.—In this paragraph, the terms 'known suspicious transmission' and 'suspicious transmission' have the meanings given those terms in section 1083 of the See Something, Say Something Online Act of 2022.

''(B) REQUIREMENT.—Any provider of an interactive computer service shall take reasonable steps to prevent or address unlawful users of the service through the reporting of suspicious transmissions.

''(C) FAILURE TO COMPLY.—Any provider of an interactive computer service that fails to report a known suspicious transmission may be held liable as a publisher for the related suspicious transmission.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to impair or limit any claim or cause of action arising from the failure of a provider of an interactive computer service to report a suspicious transmission.''.

SA 6321. Ms. HASSAN (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. ___. PILOT PROGRAM ON CYBERSECURITY TRAINING FOR VETERANS AND MILITARY SPOUSES.

(a) DEFINITIONS.—In this section:

(1) EVIDENCE-BASED; WORK-BASED LEARNING.—The terms ''evidence-based'' and ''work-based learning'' have the meanings given those terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

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

(4) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of the Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.)

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

(b) ESTABLISHMENT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Veterans Affairs, shall establish a pilot program under which the Secretary of Homeland Security shall provide cybersecurity training to eligible individuals described in subsection (d) at no cost to such individuals.

(c) ELEMENTS.—The cybersecurity training provided under the pilot program established under this section shall be evidence-based and include—

(1) coursework and training that, if applicable, qualifies for postsecondary credit toward an associate, baccalaureate, or graduate degree at an institution of higher education;

(2) virtual learning opportunities;

(3) hands-on learning and performance-based assessments;

(4) Federal work-based learning opportunities and programs (which may include registered apprenticeship programs); and

(5) the provision of recognized postsecondary credentials to eligible individuals who complete the pilot program.

(d) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible for the pilot program under this section, an individual shall be—

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

(B) a member of an active or a reserve component of the Armed Forces who the Secretary of Homeland Security determines will

become an eligible individual under subparagraph (A) within 180 days of the date of such determination; or

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

(2) NO CHARGE TO ENTITLEMENT.—In the case of an individual described in paragraph (1)(A), training under this section shall be provided to the individual without charge to the entitlement of the individual to educational assistance under the laws administered by the Secretary of Veterans Affairs.

(e) ALIGNMENT WITH NICE WORKFORCE FRAMEWORK FOR CYBERSECURITY.—In carrying out the pilot program under this section, the Secretary of Homeland Security shall ensure alignment with the taxonomy, including work roles and competencies and the associated tasks, knowledge, and skills, from the National Initiative for Cybersecurity Education Workforce Framework for Cybersecurity (NIST Special Publication 800–181, Revision 1), or successor framework.

(f) COORDINATION.—

(1) TRAINING, PLATFORMS, AND FRAMEWORKS.—In developing the pilot program under this section, the Secretary of Homeland Security shall coordinate with the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Labor, the Secretary of Education, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management to evaluate and, where possible, leverage existing training, platforms, and frameworks of the Federal Government for providing cybersecurity education and training to prevent duplication of efforts.

(2) FEDERAL WORK-BASED LEARNING OPPORTUNITIES AND PROGRAMS.—In developing the Federal work-based learning opportunities and programs required under subsection (c)(4), the Secretary of Homeland Security shall coordinate with the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Labor, the Secretary of Education, the Director of the Office of Personnel Management, and the heads of other appropriate Federal agencies to identify or create, as necessary, interagency opportunities to provide participants in the pilot program with—

(A) opportunities to acquire and demonstrate skills and competencies; and

(B) the capabilities necessary to qualify for Federal employment in a cybersecurity work role.

(g) RESOURCES.—

(1) IN GENERAL.—In any case in which the pilot program—

(A) uses training, platforms, and frameworks described in subsection (f)(1), the Secretary of Homeland Security, in consultation with the Secretary of Veterans Affairs, shall ensure that the trainings, platforms, and frameworks are expanded and resourced to accommodate usage by eligible individuals participating in the pilot program; or

(B) does not use training, platforms, and frameworks described in subsection (f)(1), the Secretary of Homeland Security, in consultation with the Secretary of Veterans Affairs and the heads of other Federal agencies described in subsection (f), shall develop or procure training, platforms, and frameworks necessary to carry out the requirements of subsection (c) and accommodate the usage by eligible individuals participating in the pilot program.

(2) ACTIONS.—In carrying out paragraph (1), the Secretary of Homeland Security may provide additional funding, staff, or other resources to—

(A) recruit and retain women, underrepresented minorities, and individuals from other underrepresented communities;

(B) provide administrative support for basic functions of the pilot program;

(C) ensure the success and ongoing mentoring of eligible individuals participating in the pilot program;

(D) connect participants who complete the pilot program to cybersecurity job opportunities within the Federal Government; and

(E) allocate, if necessary, dedicated positions for term employment to enable Federal work-based learning opportunities and programs, as required under subsection (c)(4), for participants to gain the skills and the competencies necessary to pursue permanent Federal employment in a cybersecurity work role.

(h) REPORTS.—

(1) SECRETARY.—Not later than 2 years after the date on which the pilot program is established under this section, and annually thereafter, the Secretary of Homeland Security shall submit to Congress a report on the pilot program, which shall include—

(A) a description of—

(i) any activity carried out by the Department of Homeland Security under this section; and

(ii) the existing training, platforms, and frameworks of the Federal Government leveraged in accordance with subsection (f)(1); and

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

(i) the admittance rate into the pilot program;

(ii) the employment status of individuals prior to participating in the pilot program, including the sector of employment and type of employer;

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

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

(v) as applicable, the transfer rates to other academic or vocational programs, and certifications and licensure exam passage rates;

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

(vii) the rate of continued employment for participants after completing the pilot program; and

(viii) the median annual salary of participants who completed the pilot program and were subsequently employed, disaggregated by the sector of employment and type of employer and compared to the median annual salary prior to participation in the pilot program.

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

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

(j) FEDERAL CYBERSECURITY WORKFORCE ASSESSMENT EXTENSION.—Section 304(a) of the Federal Cybersecurity Workforce Assessment Act of 2015 (5 U.S.C. 301 note) is amended, in the matter preceding paragraph (1), by striking ''2022'' and inserting ''2025''.

SA 6322. Mr. BROWN (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 in the table in section 4601, under the heading ''Air Force Reserve'', insert the following:

SA 6323. Mr. BROWN (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 in the table in section 4601, under the heading ''Army National Guard'', insert the following:

SA 6324. Mr. BROWN (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 in the table in section 4601, under the heading ''Air National Guard'', insert the following:

SA 6325. Mr. BROWN (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:

On page 446, between lines 15 and 16, insert the following:

''(c) NATIONAL SPACE INTELLIGENCE CENTER.—

''(1) ESTABLISHMENT.—The Secretary of the Air Force shall establish the National Space Intelligence Center within the Space Force

to perform analysis and production of scientific and technical intelligence on foreign space and counter-space threat capabilities in the support of the Space Force.

''(2) FIELD OPERATING AGENCY.—The National Space Intelligence Center shall operate as a field operating agency of the Space Force.''.

SA 6326. Mr. BROWN (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 D of title XXVIII, add the following:

SEC. 2868. MODIFICATION OF REQUIREMENTS RELATING TO SCORECARD FOR BASING DECISIONS BY DEPARTMENT OF DEFENSE.

Section 2883(h) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 1781b note) is amended by adding at the end the following new subsections:

''(4) COORDINATION WITH SECRETARY OF DEFENSE.—In establishing or updating 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.

''(5) PUBLICATION IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register for public comment the methodology and criteria for establishing a scorecard under this subsection.''.

SA 6327. Mr. BROWN (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 E of title V, add the following:

SEC. 564. PROVOST AND CHIEF ACADEMIC OFFICER OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Section 9414b(b)(2) of title 10, United States Code, is amended by adding at the end the following: ''An individual selected for the position of Provost and Chief Academic Officer shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.''.

SA 6328. Mr. BROWN (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:

On page 822, line 22, strike ''$9,000,000'' and insert ''$12,000,000''.

On page 822, line 25, strike ''$9,000,000'' and insert ''$12,000,000''.

On page 823, line 2, strike ''$9,000,000'' and insert ''$12,000,000''.

SA 6329. Mr. BROWN (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 E of title III, add the following:

SEC. 372. REPORT ON COSTS AND BENEFITS OF MAINTAINING A MINIMUM OF 12 PRIMARY AIRCRAFT AUTHORIZED FOR EACH TYPE OF SPECIALTY MISSION AIRCRAFT.

(a) SENSE OF SENATE.—It is the sense of the Senate that it is important to maintain safety and increase mission readiness and interoperability of the weather reconnaissance, aerial spray, and firefighting system specialty mission capabilities of the Air Force Reserve Command.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the costs and benefits of maintaining a minimum of 12 primary aircraft authorized for each type of specialty mission aircraft.

SA 6330. Mr. BROWN (for himself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. PILOT PROGRAM ON ACTIVITIES UNDER THE PRE-SEPARATION TRANSITION PROCESS OF MEMBERS OF THE ARMED FORCES FOR A REDUCTION IN SUICIDE AMONG VETERANS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a pilot program to assess the feasibility and advisability of providing the module described in subsection (b) and services under subsection (c) as part of the pre-separation transition process for members of the Armed Forces as a means of reducing the incidence of suicide among veterans.

(b) MODULE.—The module described in this subsection shall include the following:

(1) An in-person meeting between a cohort of members of the Armed Forces participating in the pilot program and a social worker or nurse in which the social worker or nurse—

(A) educates the cohort on resources for and specific potential risks confronting such members after discharge or release from the Armed Forces, including—

(i) loss of community or a support system;

(ii) isolation from family, friends, or society;

(iii) identity crisis in the transition from military to civilian life;

(iv) vulnerability viewed as a weakness;

(v) need for empathy;

(vi) self-medication and addiction;

(vii) importance of sleep and exercise;

(viii) homelessness;

(ix) risk factors contributing to attempts of suicide and deaths by suicide; and

(x) safe storage of firearms as part of suicide prevention lethal means safety efforts;

(B) educates the cohort on—

(i) the signs and symptoms of suicide risk and physical, psychological, or neurological issues, such as post-traumatic stress disorder, traumatic brain injury, chronic pain, sleep disorders, substance use disorders, adverse childhood experiences, depression, bipolar disorder, and socio-ecological concerns, such as homelessness, unemployment, and relationship strain;

(ii) the potential risks for members of the Armed Forces from such issues after discharge or release from the Armed Forces; and

(iii) the resources and treatment options available to such members for such issues through the Department of Veterans Affairs, the Department of Defense, and non-profit organizations;

(C) educates the cohort about the resources available to victims of military sexual trauma through the Department of Veterans Affairs; and

(D) educates the cohort about the manner in which members might experience challenges during the transition from military to civilian life, and the resources available to them through the Department of Veterans Affairs, the Department of Defense, and other organizations.

(2) The provision to each member of the cohort of contact information for a counseling or other appropriate facility of the Department of Veterans Affairs in the locality in which such member intends to reside after discharge or release.

(3) The submittal by each member of the cohort to the Department of Veterans Affairs (including both the Veterans Health Administration and the Veterans Benefits Administration) of their medical records in connection with service in the Armed Forces, whether or not such members intend to file a claim with the Department for benefits with respect to any service-connected disability.

(c) SERVICES.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs shall provide to each individual specified in paragraph (2) the following services:

(A) During the transition process and prior to discharge or release from the Armed Forces, a one-on-one meeting with a social worker or nurse of the Department of Veterans Affairs who will—

(i) conduct an assessment of the individual regarding eligibility to receive health care

or counseling services from the Department of Veterans Affairs;

(ii) for those eligible, or likely to be eligible, to receive health care or counseling services from the Department of Veterans Affairs—

(I) identify and provide contact information for an appropriate facility of the Department of Veterans Affairs in the locality in which such individual intends to reside after discharge or release;

(II) facilitate registration or enrollment in the system of patient enrollment of the Department of Veterans Affairs under section 1705(a) of title 38, United States Code, if applicable;

(III) educate the individual about care, benefits, and services available to the individual through the Veterans Health Administration; and

(IV) coordinate health care based on the health care needs of the individual, if applicable; and

(iii) establish an initial appointment, at the election of the individual, which would include the assessment described in clause (i), to occur not later than 90 days after the date of discharge or release of the member from the Armed Forces.

(B) For each individual determined ineligible for care and services from the Department of Veterans Affairs during the transition process, the Secretary of Defense shall conduct an assessment of the individual to determine the needs of the individual and appropriate follow-up, which shall be identified and documented in the appropriate records of the Department of Defense.

(C) During the appointment scheduled pursuant to subparagraph (A)(iii), the Secretary of Veterans Affairs shall conduct an assessment of the individual to determine the needs of the individual and appropriate follow-up, which shall be identified and documented in the appropriate records of the Department of Veterans Affairs.

(2) INDIVIDUALS SPECIFIED.—An individual specified in this paragraph is a current or former member of the Armed Forces participating in the pilot program who has been assessed with physical, psychological, or neurological issues, such as post-traumatic stress disorder, traumatic brain injury, chronic pain, sleep disorders, substance use disorders, adverse childhood experiences, depression, bipolar disorder, and socio-ecological concerns, such as homelessness, unemployment, and relationship strain.

(d) LOCATIONS.—

(1) MODULE AND MEETING.—The module under subsection (b) and the one-on-one meeting under subsection (c)(1)(A) shall be carried out at not fewer than 10 locations of the Department of Defense that serve not fewer than 300 members of the Armed Forces annually that are jointly selected by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of the pilot program.

(2) ASSESSMENT AND APPOINTMENT.—The assessment under subsection (c)(1)(B) and the appointment under subsection (c)(1)(C) may occur at any location determined appropriate by the Secretary of Defense or the Secretary of Veterans Affairs, as the case may be.

(3) MEMBERS SERVED.—The centers selected under paragraph (1) shall, to the extent practicable, be centers that, whether individually or in aggregate, serve all the Armed Forces and both the regular and reserve components of the Armed Forces.

(e) SELECTION AND COMMENCEMENT.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly select the locations of the pilot program under subsection (d)(1) and commence carrying out activities under the pilot program by not later than September 30, 2024.

(f) DURATION.—

(1) IN GENERAL.—The duration of the pilot program shall be five years.

(2) CONTINUATION.—If the Secretary of Defense and the Secretary of Veterans Affairs recommend in a report under subsection (g) that the pilot program be extended beyond the date otherwise provided by paragraph (1), the Secretaries may jointly continue the pilot program for such period beyond such date as the Secretaries jointly consider appropriate.

(g) REPORTS.—

(1) IN GENERAL.—Not later than one year after the commencement of the pilot program, and annually thereafter during the duration of the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the activities under the pilot program.

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

(A) The demographic information of the members and former members of the Armed Forces who participated in the pilot program during the one-year period ending on the date of such report.

(B) A description of the activities under the pilot program during such period.

(C) An assessment of the benefits of the activities under the pilot program during such period to members and former members of the Armed Forces.

(D) An assessment whether the activities under the pilot program as of the date of such report have met the targeted outcomes of the pilot program among members and former members who participated in the pilot program within one year of discharge or release from the Armed Forces.

(E) Such recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate regarding the feasibility and advisability of expansion of the pilot program, extension of the pilot program, or both.

(h) 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 Veterans' Affairs of the Senate; and

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

SA 6331. 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 C of title III, add the following:

SEC. 334. PRIORITIZATION OF REMEDIATION OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES.

The Secretary of Defense shall prioritize the remediation and treatment of military installations and surrounding communities with sole source aquifers contaminated by perfluoroalkyl substances and polyfluoroalkyl substances.

SA 6332. 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 A of title V, add the following:

SEC. 508. EXTENSION OF TRANSITION PERIOD RELATING TO MODIFICATIONS TO RULES FOR RETIREMENT OR SEPARATION FOR COMMISSIONED OFFICERS WHO REACH 62 YEARS OF AGE.

(a) IN GENERAL.—Section 1251(e)(2) of title 10, United States Code, is amended by striking ''who was added to the retired list before the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021'' and inserting ''who, on the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, was serving and older than 62 years of age''.

(b) RETROACTIVE EFFECT.—

(1) IN GENERAL.—The amendment made by subsection (a) takes effect on January 1, 2021, as if included in the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

(2) TREATMENT OF SEPARATIONS BETWEEN JANUARY 1, 2021, AND DATE OF ENACTMENT.—A commissioned officer who is separated under paragraph (1) of section 1251(e) of title 10, United States Code, on or after January 1, 2021, and before the date of the enactment of this Act, and who qualifies under paragraph (2) of that section, as amended by subsection (a), for retirement and retired pay, shall be—

(A) transferred to retired status; and

(B) paid retired pay computed under section 1401 of title 10, United States Code, for each month that begins after the date of separation.

SA 6333. Mr. BROWN (for himself 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 end of title X, add the following:

Subtitle H—Law Enforcement Scenario-based Training

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''Law Enforcement Scenario-Based Training for Safety and De-Escalation Act of 2022''.

SEC. 1082. LAW ENFORCEMENT SCENARIO-BASED TRAINING CURRICULUM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Director of the Office of Community Oriented Policing Services, shall develop a scenario-

based training curriculum for use in accordance with the grant program under section 1083.

(b) CURRICULUM.—In developing the curriculum under subsection (a), the Attorney General shall—

(1) develop a scenario-based training curriculum that addresses—

(A) improving community-police relations;

(B) officer safety;

(C) officer resilience;

(D) situational awareness;

(E) physical and emotional responses to stress;

(F) critical decision-making and problem-solving;

(G) de-escalation;

(H) use of force and deadly force; and

(I) crisis intervention;

(2) consult with relevant professional law enforcement associations, community-based organizations, and defense and national security agencies in the development and dissemination of the curriculum;

(3) provide expertise and technical assistance to entities seeking to implement the curriculum;

(4) evaluate best practices of scenario-based training methods and curriculum content to maintain state-of-the-art expertise in scenario-based learning methodology; and

(5) develop a certification process for entities that have successfully implemented the curriculum.

SEC. 1083. LAW ENFORCEMENT SCENARIO-BASED TRAINING GRANT PROGRAM.

(a) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this Act, the Attorney General, acting through the Director of the Office of Community Oriented Policing Services, shall be authorized to make grants to States, units of local government, Indian Tribal governments, other public and private entities, and multi-jurisdictional or regional consortia to provide law enforcement personnel with access to a scenario-based training curriculum that is substantially similar to the curriculum developed under section 1082.

(b) APPLICATION.—An applicant seeking a grant under this section shall submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(c) REPORTS.—

(1) GRANTEE REPORTS.—On the date that is 1 year after receiving a grant under this section, each grant recipient shall submit to the Attorney General a report on—

(A) any benefits of, and barriers to, delivering the curriculum to law enforcement personnel; and

(B) recommendations for improving the access of law enforcement personnel to scenario-based training.

(2) OFFICE OF COMMUNITY ORIENTED POLICING SERVICES REPORTS.—Not later than 1 year after initially awarding grants under this section, and annually thereafter, the Attorney General, acting through the Director of the Office of Community Oriented Policing Services, shall submit to Congress a report on—

(A) the number of entities that received grants under this section;

(B) the cumulative number and proportion of law enforcement personnel in each State that received training under the scenario-based training curriculum described in section 1082, or a curriculum that is substantially similar to that curriculum;

(C) any benefits of, and barriers to, delivering such curriculum to law enforcement personnel;

(D) recommendations for improving the curriculum developed under section 1082; and

(E) recommendations for improving the grant program under this section.

(d) FUNDING.—No additional funds are authorized to be appropriated to carry out this subtitle. The Attorney General shall carry out this subtitle using unobligated amounts that are otherwise made available to the Department of Justice.

SEC. 1084. DEFINITIONS.

In this subtitle:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term ''community-based organization'' means a grassroots organization that—

(A) works in communities to improve police accountability and transparency; and

(B) has a national presence and membership.

(2) PROFESSIONAL LAW ENFORCEMENT ASSOCIATION.—The term ''professional law enforcement association'' means a law enforcement membership association that works for the needs of Federal, State, local, or Indian Tribal law enforcement groups and with the civilian community on matters of common interest.

(3) SCENARIO-BASED TRAINING.—The term ''scenario-based training'' means the use of live-action simulations and role playing to place law enforcement personnel in an interactive learning environment to replicate real-life scenarios or teach particular skills or techniques.

(4) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

SA 6334. 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 E of title XII, add the following:

SEC. 1262. REPORT ON POLITICAL PRISONERS IN EGYPT.

(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 Director of National Intelligence, shall submit to the appropriate congressional committees a report on the status of political prisoners in Egypt.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include a detailed assessment of how many individuals are detained, imprisoned, or the victim of an enforced disappearance in Egypt, including individuals who—

(1) are human rights defenders;

(2) are detained, imprisoned, or otherwise physically restricted because of their political, religious, other conscientiously-held beliefs, or their identity;

(3) are prisoners who are arbitrarily detained;

(4) are victims of enforced disappearance or are reasonably suspected of being detained or imprisoned in a secret location; or

(5) have been subject to torture or other gross violations of human rights while detained or imprisoned.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but portions of the report may contain a classified annex, provided that the annex is provided separately from the unclassified report.

(d) WITHHOLDING OF FOREIGN MILITARY FINANCING FUNDING.—Of the unobligated balance of amounts appropriated or otherwise made available for Foreign Military Financing assistance for Egypt, $300,000,000 may not be provided to the Government of Egypt until the report required under subsection (a) has been submitted to the appropriate congressional committees.

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

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

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

SA 6335. Mr. BROWN (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 division A, add the following:

TITLE XVII—IMPROVEMENTS TO ANTIDUMPING AND COUNTERVAILING DUTY LAWS

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Eliminating Global Market Distortions To Protect American Jobs Act of 2022''.

Subtitle A—Successive Investigations

SEC. 1711. ESTABLISHMENT OF SPECIAL RULES FOR DETERMINATION OF MATERIAL INJURY IN THE CASE OF SUCCESSIVE ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS.

(a) IN GENERAL.—Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended—

(1) by redesignating subparagraphs (E) through (J) as subparagraphs (F) through (K), respectively;

(2) in subparagraph (I), as redesignated by paragraph (1)—

(A) by striking ''subparagraph (G)(ii)'' and inserting ''subparagraph (H)(ii)''; and

(B) by striking ''subparagraph (F)'' and inserting ''subparagraph (G)''; and

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

''(E) SPECIAL RULES FOR SUCCESSIVE INVESTIGATIONS.—

''(i) IN GENERAL.—

''(I) EVALUATION OF IMPACT ON DOMESTIC INDUSTRY.—In evaluating the impact of imports of the merchandise on producers of domestic like products under subparagraph (C)(iii), the Commission shall—

''(aa) assess the condition of the domestic industry as found in a recently completed investigation;

''(bb) assess the effect of a concurrent investigation or recently completed investigation on trade and the financial performance of the domestic industry, including whether the imports are likely to lead to the continuation or recurrence of material injury determined by the Commission in any concurrent investigation or recently completed investigation; and

''(cc) take into account and include in the record any prior injury determinations by the Commission with respect to imports of the merchandise, including the volume, price effect, and impact of those imports on the domestic industry as determined in a concurrent investigation or recently completed investigation.

''(II) EFFECT OF RECENT IMPROVEMENT ON MATERIAL INJURY DETERMINATION.—For the purposes of this subparagraph, the Commission may not find that there is no material injury or threat of material injury to a domestic industry based on recent improvements in the industry's performance, such as an increase in sales, market share, or profitability of domestic producers, that are related to relief granted pursuant to a concurrent investigation or recently completed investigation.

''(ii) RETROACTIVE APPLICATION OF FINAL DETERMINATION.—

''(I) IN GENERAL.—In making any finding under section 705(b)(4)(A) or 735(b)(4)(A) in a successive investigation, the Commission shall consider whether a concurrent investigation or recently completed investigation contributes to the likelihood that the remedial effect of the countervailing duty order to be issued under section 706 or the antidumping duty order to be issued under section 736 will be seriously undermined.

''(II) BURDEN OF PERSUASION.—The respondent in a successive investigation shall have the burden of persuasion with respect to whether—

''(aa) imports subject to an affirmative determination under subsection (a) of section 705 have not met the standard for retroactive application under subsection (b)(4)(A) of that section; or

''(bb) imports subject to an affirmative determination under subsection (a) of section 735 have not met the standard for retroactive application under subsection (b)(4)(A) of that section.''.

(b) DEFINITIONS.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following:

''(37) TREATMENT OF SUCCESSIVE INVESTIGATIONS.—For purposes of sections 702(f), 732(f), 771(7)(E), and 784:

''(A) CONCURRENT INVESTIGATION.—The term 'concurrent investigation' means an ongoing investigation in which an affirmative determination under section 703(a) or 733(a) has been made by the Commission with respect to imports of a class or kind of merchandise that are the same or similar to imports of a class or kind of merchandise from another country that are the subject of a successive investigation.

''(B) RECENTLY COMPLETED INVESTIGATION.—The term 'recently completed investigation' means a completed investigation in which an affirmative determination under section 705(b) or 735(b) was issued by the Commission with respect to imports of a class or kind of merchandise that are the same or similar to imports of a class or kind of merchandise from another country that are the subject of a successive investigation not more than 2 years before the date of initiation of the successive investigation.

''(C) SUCCESSIVE INVESTIGATION.—The term 'successive investigation' means an investigation that has been initiated by the administering authority following a petition filed pursuant to section 702(f) or 732(f).''.

SEC. 1712. INITIATION OF SUCCESSIVE ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS.

(a) COUNTERVAILING DUTY INVESTIGATION.—Section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a) is amended by adding at the end the following:

''(f) INITIATION BY ADMINISTERING AUTHORITY OF SUCCESSIVE COUNTERVAILING DUTY INVESTIGATION.—A successive investigation shall be initiated—

''(1) under subsection (a), if—

''(A) the requirements under that subsection are met with respect to imports of a class or kind of merchandise; and

''(B) imports of the same or similar class or kind of merchandise are or have been the subject of a concurrent investigation or recently completed investigation; or

''(2) under subsection (b), if—

''(A) the determinations under clauses (i) and (ii) of subsection (c)(1)(A) are affirmative with respect to imports of a class or kind of merchandise; and

''(B) imports of the same or similar class or kind of merchandise are or have been the subject of a concurrent investigation or recently completed investigation.''.

(b) ANTIDUMPING DUTY INVESTIGATION.—Section 732 of the Tariff Act of 1930 (19 U.S.C. 1673a) is amended by adding at the end the following:

''(f) INITIATION BY ADMINISTERING AUTHORITY OF SUCCESSIVE ANTIDUMPING DUTY INVESTIGATION.—A successive investigation shall be initiated—

''(1) under subsection (a), if—

''(A) the requirements under that subsection are met with respect to imports of a class or kind of merchandise; and

''(B) imports of the same or similar class or kind of merchandise are or have been the subject of a concurrent investigation or recently completed investigation; or

''(2) under subsection (b), if—

''(A) the determinations under clauses (i) and (ii) of subsection (c)(1)(A) are affirmative with respect to imports of a class or kind of merchandise; and

''(B) imports of the same or similar class or kind of merchandise are or have been the subject of a concurrent investigation or recently completed investigation.''.

SEC. 1713. ISSUANCE OF DETERMINATIONS WITH RESPECT TO SUCCESSIVE ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS.

(a) IN GENERAL.—Subtitle D of title VII of the Tariff Act of 1930 (19 U.S.C. 1677 et seq.) is amended by adding at the end the following:

''SEC. 784. DETERMINATIONS RELATING TO SUCCESSIVE INVESTIGATIONS.

''(a) IN GENERAL.—Notwithstanding any other provision of this title, the administering authority—

''(1) with respect to a successive investigation under section 702(f)—

''(A) shall issue a preliminary determination under section 703(b) not later than 85 days after initiating the investigation;

''(B) may not postpone under section 703(c) such deadline for the issuance of a preliminary determination unless requested by the petitioner;

''(C) shall obtain the information required for a determination under section 703(e);

''(D) shall make a determination under section 703(e) with respect to the investigation;

''(E) shall issue a final determination under section 705(a) not later than 75 days after issuing the preliminary determination under subparagraph (A); and

''(F) shall extend the date of the final determination under section 705(a) if requested by the petitioner; and

''(2) with respect to a successive investigation under section 732(f)—

''(A) shall issue a preliminary determination under section 733(b) not later than 85 days after initiating the investigation;

''(B) may not postpone under section 733(c) such deadline for the issuance of a preliminary determination unless requested by the petitioner;

''(C) shall obtain the information required for a determination under section 733(e);

''(D) shall make a determination under section 733(e) with respect to the investigation;

''(E) shall issue a final determination under section 735(a) not later than 75 days after issuing the preliminary determination under subparagraph (A); and

''(F) may extend the date of the final determination under section 735(a)(2).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Tariff Act of 1930 is amended by inserting after the item relating to section 783 the following:

''Sec. 784. Determinations relating to successive investigations.''.

Subtitle B—Responding to Market Distortions

SEC. 1721. ADDRESSING CROSS-BORDER SUBSIDIES IN COUNTERVAILING DUTY INVESTIGATIONS.

(a) DEFINITIONS.—

(1) COUNTERVAILABLE SUBSIDY.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended—

(A) in paragraph (5)(B)—

(i) in clause (i), by inserting after ''financial contribution'' the following: ''or allows, explicitly or otherwise, another authority to provide a financial contribution''; and

(ii) in the flush text after clause (iii), by striking ''the country'' and inserting ''a country''; and

(B) in paragraph (9)—

(i) in subparagraph (B), by inserting after ''is exported'' the following: ''or the authority (as defined in paragraph (5)(B)) alleged to have provided subsidies to a producer of an input of such merchandise'';

(ii) in subparagraph (F), by striking '', and'' and inserting a semicolon;

(iii) in subparagraph (G), in the flush text after clause (iii), by striking the period at the end and inserting '', and''; and

(iv) by adding at the end the following:

''(H) in any investigation or administrative review under this title involving an allegation that a subsidy is provided by an authority (as defined in paragraph (5)(B)) within the territory of a country other than the country in which the subject merchandise is produced, a foreign manufacturer, producer, or exporter of an input used in the production of the merchandise.''.

(2) UPSTREAM SUBSIDY.—Section 771A(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1677–1(a)(1)) is amended by striking ''in the same country as the authority''.

(b) INITIATION OF INVESTIGATIONS.—Section 702(b)(4)(A)(i) of the Tariff Act of 1930 (19 U.S.C. 1671a(b)(4)(A)(i)) is amended by inserting after ''named in the petition'' the following: ''(or, in the case of a petition containing an allegation that a subsidy is provided by an authority (as defined in section 771(5)(B)) within the territory of a country other than the country in which the subject merchandise is produced, the authority alleged to have provided the subsidy)''.

SEC. 1722. MODIFICATION OF DEFINITION OF ORDINARY COURSE OF TRADE TO SPECIFY THAT AN INSUFFICIENT QUANTITY OF FOREIGN LIKE PRODUCTS CONSTITUTES A SITUATION OUTSIDE THE ORDINARY COURSE OF TRADE.

Section 771(15) of the Tariff Act of 1930 (19 U.S.C. 1677(15)) is amended by adding at the end the following:

''(D) Situations in which the quantity of a foreign like product selected for comparison under section 771(16) is insufficient to establish a proper comparison to the export price or constructed export price.''.

SEC. 1723. MODIFICATION OF ADJUSTMENTS TO EXPORT PRICE AND CONSTRUCTED EXPORT PRICE WITH RESPECT TO DUTY DRAWBACK.

Section 772(c)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(1)(B)) is amended—

(1) by striking ''any''; and

(2) by inserting after ''United States'' the following: '', but that amount shall not exceed the per unit amount of such duties contained in the weighted average cost of production''.

SEC. 1724. MODIFICATION OF DETERMINATION OF CONSTRUCTED VALUE TO INCLUDE DISTORTIONS OF COSTS THAT OCCUR IN FOREIGN COUNTRIES.

(a) IN GENERAL.—Section 773(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1677b(b)(3)) is amended—

(1) in subparagraph (A), by striking ''business'' and inserting ''trade''; and

(2) in the flush text after subparagraph (C), by inserting before ''For purposes'' the following: ''For purposes of subparagraph (A), if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.''.

(b) MODIFICATION OF DEFINITION OF ORDINARY COURSE OF TRADE TO INCLUDE ADJUSTED COSTS.—Section 771(15)(C) of the Tariff Act of 1930 (19 U.S.C. 1677(15)(C)) is amended—

(1) by striking ''that the particular market situation prevents'' and inserting ''that a particular market situation exists that—

''(i) prevents'';

(2) in clause (i), as designated by paragraph (1), by striking the period at the end and inserting '', relating to normal value determined under subsection (a) of section 773; or''; and

(3) by adding at the end the following:

''(ii) distorts certain costs of production, relating to normal value determined under subsections (b) and (e) of section 773.''.

SEC. 1725. SPECIAL RULES FOR CALCULATION OF COST OF PRODUCTION AND CONSTRUCTED VALUE TO ADDRESS DISTORTED COSTS.

(a) IN GENERAL.—Section 773(f)(2) of the Tariff Act of 1930 (19 U.S.C. 1677b(f)(2)) is amended—

(1) by striking ''A transaction'' and inserting the following:

''(A) IN GENERAL.—A transaction''; and

(2) by adding at the end the following:

''(B) TRANSACTIONS WITH CERTAIN ENTITIES.—

''(i) IN GENERAL.—If an input for subject merchandise is produced by or acquired from a person or entity described in clause (iii), the administering authority shall disregard such production or acquisition as outside the ordinary course of trade.

''(ii) DETERMINATION OF AMOUNT.—If the production or acquisition of an input is disregarded under clause (i) and no other transactions are available for consideration, the determination of the amount to be used to value the input shall be based on the information available with respect to what the amount would have been but for the participation of the person or entity described in clause (iii) in the market for the input or based on any other calculation methodology.

''(iii) PERSONS AND ENTITIES DESCRIBED.—A person or entity described in this clause is—

''(I) any person in a nonmarket economy country;

''(II) any person found to be receiving a subsidy;

''(III) any person found to have sold the input referred to in clause (i) for less than fair market value into the exporting country or any other country;

''(IV) an authority (as defined in section 771(5)(B)) within the territory of the exporting country or any other country; or

''(V) a group of authorities described in subclause (IV) that collectively account for a meaningful share of the production of the input.''.

Subtitle C—Preventing Circumvention

SEC. 1731. MODIFICATION OF REQUIREMENTS IN CIRCUMVENTION INQUIRIES.

(a) IN GENERAL.—Section 781 of the Tariff Act of 1930 (19 U.S.C. 1677j) is amended by striking subsection (f) and inserting the following:

''(f) PROCEDURES FOR CONDUCTING CIRCUMVENTION INQUIRIES.—

''(1) INITIATION BY ADMINISTERING AUTHORITY.—A circumvention inquiry shall be initiated whenever the administering authority determines, from information available to it, that a formal inquiry is warranted into the question of whether the elements necessary for a determination under this section exist.

''(2) INITIATION BY INQUIRY REQUEST.—

''(A) IN GENERAL.—A circumvention inquiry shall be initiated whenever an interested party files an inquiry request that alleges the elements necessary for a determination under this section, accompanied by information reasonably available to the requestor supporting those allegations.

''(B) RULES.—The administering authority shall specify requirements for the contents and service of an inquiry request under subparagraph (A).

''(C) ACCEPTANCE OF COMMUNICATIONS.—The administering authority shall not accept any unsolicited oral or written communication from any person other than the interested party filing an inquiry request before the administering authority decides whether to initiate an inquiry, except for communications regarding the status of the consideration of the inquiry request.

''(3) ACTION WITH RESPECT TO INQUIRY REQUEST.—Not later than 20 days after the filing of an inquiry request under paragraph (2)(A), the administering authority shall—

''(A) initiate a circumvention inquiry;

''(B) dismiss the inquiry request as inadequate and notify the requestor in writing of the reasons for the dismissal; or

''(C) notify all interested parties that the inquiry request will be addressed through a determination (other than a determination under this section) by the administering authority as to whether a particular type of merchandise is within the class or kind of merchandise described in an existing finding of dumping or an antidumping or countervailing duty order.

''(4) DETERMINATIONS.—

''(A) PRELIMINARY DETERMINATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 90 days after the date on which the administering authority initiates a circumvention inquiry under paragraph (1) or (3)(A), the administering authority shall make a preliminary determination, based on the information available to it at the time of the determination, of whether there is a reasonable basis to believe or suspect that the merchandise subject to the inquiry is circumventing an existing finding of dumping or an antidumping or countervailing duty order.

''(ii) EXTENSION.—The administering authority may extend the deadline under clause (i) by a period not to exceed 45 days.

''(B) FINAL DETERMINATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 120 days after issuing a preliminary determination under subparagraph (A) with respect to a circumvention inquiry, the administering authority shall make a final determination of whether the merchandise subject to the inquiry is circumventing an existing finding of dumping or an antidumping or countervailing duty order.

''(ii) EXTENSION.—The administering authority may extend the deadline under clause (i) by a period not to exceed 60 days.

''(C) OTHER CLASS OR KIND DETERMINATIONS.—If an inquiry request under paragraph (2)(A) is addressed through a class or kind determination described in paragraph (3)(C), the administering authority shall make such determination not later than 335 days after the filing of the inquiry request.

''(5) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the administering authority from simultaneously initiating a circumvention inquiry under paragraph (1) or (3)(A) and issuing a preliminary ruling under paragraph (4)(A).''.

(b) SUSPENSION OF LIQUIDATION AND COLLECTION OF DEPOSITS OF ENTRIES SUBJECT TO CIRCUMVENTION INQUIRY.—Section 781 of the Tariff Act of 1930 is further amended by adding at the end the following:

''(g) SUSPENSION OF LIQUIDATION AND COLLECTION OF DEPOSITS OF ENTRIES SUBJECT TO CIRCUMVENTION INQUIRY.—

''(1) IN GENERAL.—If the administering authority initiates a circumvention inquiry under paragraph (1) or (3)(A) of subsection (f), the administering authority shall order—

''(A) the suspension, or continued suspension, of liquidation of all entries of merchandise subject to the circumvention inquiry; and

''(B) the posting of a cash deposit, at the prevailing all-others or country-wide rate, for each entry of merchandise described in subparagraph (A).

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the administering authority from applying the requirements under this subsection in a class or kind determination described in subsection (f)(3)(C).''.

(c) COUNTRY-WIDE APPLICATION OF CIRCUMVENTION DETERMINATION.—Section 781 of the Tariff Act of 1930 is further amended by adding at the end the following:

''(h) COUNTRY-WIDE APPLICATION OF CIRCUMVENTION DETERMINATION.—

''(1) IN GENERAL.—The administering authority shall apply a determination described in paragraph (2) on a country-wide basis unless it determines that application of that determination to particular producers or exporters is appropriate.

''(2) DETERMINATIONS DESCRIBED.—A determination described in this paragraph is any of the following:

''(A) A determination under subsection (a) with respect to merchandise completed or assembled in the United States.

''(B) A determination under subsection (b) with respect to merchandise completed or assembled in a foreign country.

''(C) A determination under subsection (c) with respect to minor alteration of merchandise.

''(D) A determination under subsection (d) with respect to later-developed merchandise.''.

(d) PUBLICATION IN THE FEDERAL REGISTER.—Section 777(i) of the Tariff Act of 1930 is amended by adding at the end the following:

''(4) CIRCUMVENTION INQUIRIES.—Whenever the administering authority makes a determination under section 781 whether to initiate a circumvention inquiry or makes a preliminary or final determination under subsection (f)(4) of that section, the administering authority shall publish the facts and conclusions supporting that determination and shall publish notice of that determination in the Federal Register.''.

(e) ADDING VERIFICATION RESPONSES IN CIRCUMVENTION INQUIRIES.—Section 782(i) of the Tariff Act of 1930 (19 U.S.C. 1677m(i)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(4) a final determination in a circumvention inquiry conducted pursuant to section 781.''.

SEC. 1732. REQUIREMENT OF PROVISION BY IMPORTER OF CERTIFICATION BY IMPORTER OR OTHER PARTY.

(a) IN GENERAL.—Subtitle D of title VII of the Tariff Act of 1930 (19 U.S.C. 1677 et seq.), as amended by section 1713(a), is further amended by adding at the end the following:

''SEC. 785. REQUIREMENT FOR CERTIFICATION BY IMPORTER OR OTHER PARTY.

''(a) REQUIREMENT.—

''(1) IN GENERAL.—For imports of merchandise into the customs territory of the United States, the administering authority may require an importer or other party—

''(A) to provide a certification described in paragraph (2) at the time of entry or with the entry summary;

''(B) to maintain that certification; or

''(C) to otherwise demonstrate compliance with the requirements for that certification.

''(2) CERTIFICATION DESCRIBED.—A certification described in this paragraph is a certification by the importer of the merchandise or other party, as required by the administering authority, including a certification that—

''(A) the merchandise is not subject to an antidumping or countervailing duty proceeding under this title; and

''(B) the inputs used in production, transformation, or processing of the merchandise are not subject to an antidumping or countervailing duty under this title.

''(3) AVAILABLE UPON REQUEST.—A certification required by the administering authority under paragraph (1), if not already provided, shall be made available upon request to the administering authority or the Commissioner of U.S. Customs and Border Protection (in this section referred to as the 'Commissioner').

''(b) AUTHORITY TO COLLECT CASH DEPOSITS AND TO ASSESS DUTIES.—

''(1) IN GENERAL.—If the administering authority requires an importer or other party to provide a certification described in paragraph (2) of subsection (a) for merchandise imported into the customs territory of the United States pursuant to paragraph (1) of that subsection, and the importer or other party does not provide that certification or that certification contains any false, misleading, or fraudulent statement or representation or any material omission, the administering authority shall instruct the Commissioner—

''(A) to suspend liquidation of the entry;

''(B) to require that the importer or other party post a cash deposit in an amount equal to the antidumping duty or countervailing duty applicable to the merchandise; and

''(C) to assess the appropriate rate of duty upon liquidation or reliquidation of the entry.

''(2) ASSESSMENT RATE.—If no rate of duty for an entry is available at the time of assessment under paragraph (1)(C), the administering authority shall identify the applicable cash deposit rate to be applied to the entry, with the applicable duty rate to be provided as soon as the duty rate becomes available.

''(c) PENALTIES.—If the administering authority requires an importer or other party to provide a certification described in paragraph (2) of subsection (a) for merchandise imported into the customs territory of the United States pursuant to paragraph (1) of that subsection, and the importer or other party does not provide that certification or that certification contains any false, misleading, or fraudulent statement or representation or any material omission, the importer of the merchandise may be subject to a penalty pursuant to section 592 of this Act, section 1001 of title 18, United States Code, or any other applicable provision of law.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Tariff Act of 1930, as amended by section 1713(b), is further amended by inserting after the item relating to section 784 the following:

''Sec. 785. Requirement for certification by importer or other party.''.

SEC. 1733. CLARIFICATION OF AUTHORITY FOR DEPARTMENT OF COMMERCE REGARDING MERCHANDISE COVERED BY ANTIDUMPING AND COUNTERVAILING DUTY PROCEEDINGS.

(a) COVERAGE BY ANTIDUMPING OR COUNTERVAILING DUTY PROCEEDING.—To determine whether merchandise imported into the United States is covered by an antidumping or countervailing duty proceeding under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), the administering authority may use any reasonable method and is not bound by the determinations of any other Federal agency, including tariff classification and country of origin marking rulings issued by the Commissioner of U.S. Customs and Border Protection.

(b) ORIGIN OF MERCHANDISE.—To determine the origin of merchandise for purposes of an antidumping or countervailing duty proceeding under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), the administering authority may apply any reasonable method and may consider relevant factors, including—

(1) whether the upstream and downstream products are within the same class or kind of merchandise;

(2) whether the merchandise, or an essential component thereof, is substantially transformed in the country of exportation;

(3) the extent to which the merchandise is processed; or

(4) any other factors that the administering authority considers appropriate.

(c) ADMINISTERING AUTHORITY DEFINED.—In this section, the term ''administering authority'' has the meaning given that term in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1)).

SEC. 1734. ASSET REQUIREMENTS APPLICABLE TO NONRESIDENT IMPORTERS.

(a) IN GENERAL.—Part III of title IV of the Tariff Act of 1930 (19 U.S.C. 1481 et seq.) is amended by inserting after section 484b the following:

''SEC. 484. ASSET REQUIREMENTS APPLICABLE TO NONRESIDENT IMPORTERS.

''(a) DEFINITIONS.—In this section:

''(1) IMPORTER; NONRESIDENT IMPORTER.—The terms 'importer' and 'nonresident importer' have the meanings given those terms in section 641(i).

''(2) RESIDENT IMPORTER.—The term 'resident importer' means any importer other than a nonresident importer.

''(b) REQUIREMENTS FOR NONRESIDENT IMPORTERS.—Except as provided in subsection (c), the Commissioner of U.S. Customs and Border Protection shall—

''(1) require a nonresident importer that imports merchandise into the United States to maintain assets in the United States sufficient to pay all duties that may potentially be applied to the merchandise; and

''(2) require a bond with respect to the merchandise in an amount sufficient to ensure full liability on the part of a nonresident importer and the surety of the importer based on the amount of assets the Commissioner determines to be sufficient under subsection (c).

''(c) DETERMINATION OF AMOUNT OF ASSETS REQUIRED TO BE MAINTAINED.—For purposes of subsection (b)(1), the Commissioner shall calculate the amount of assets sufficient to pay all duties that may potentially be applied to merchandise imported by a nonresident importer based on an amount that exceeds the amount, calculated using the fair market value of the merchandise, of all duties, fees, interest, taxes, or other charges, and all deposits for duties, fees, interest, taxes, or other charges, that would apply with respect to the merchandise if the merchandise were subject to the highest rate of duty applicable to such merchandise imported from any country.

''(d) MAINTENANCE OF ASSETS IN THE UNITED STATES.—

''(1) IN GENERAL.—For purposes of subsection (b)(1), a nonresident importer of merchandise meets the requirement to maintain assets in the United States if the importer has clear title, at all times between the entry of the merchandise and the liquidation of the entry, to assets described in paragraph (2) with a value equal to the amount determined under subsection (c).

''(2) ASSETS DESCRIBED.—An asset described in this paragraph is—

''(A) an asset held by a United States financial institution;

''(B) an interest in an entity organized under the laws of the United States or any jurisdiction within the United States; or

''(C) an interest in real or personal property located in the United States or any territory or possession of the United States.

''(e) EXCEPTIONS.—The requirements of this section shall not apply with respect to a nonresident importer—

''(1) that is a validated Tier 2 or Tier 3 participant in the Customs–Trade Partnership Against Terrorism program established under subtitle B of title II of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 961 et seq.); or

''(2) if the Commissioner is satisfied, based on certified information supplied by the importer and any other relevant evidence, that the Commissioner has the same or equivalent ability to collect all duties that may potentially be applied to merchandise imported by the importer as the Commissioner would have if the importer were a resident importer.

''(f) PROCEDURES.—The Commissioner shall prescribe procedures for assuring that nonresident importers maintain the assets required by subsection (b).

''(g) PENALTIES.—

''(1) IN GENERAL.—It shall be unlawful for any person to import into the United States any merchandise in violation of this section.

''(2) CIVIL PENALTIES.—Any person who violates paragraph (1) shall be liable for a civil penalty of $50,000 for each such violation.

''(3) OTHER PENALTIES.—In addition to the penalties specified in paragraph (2), any violation of this section that violates any other provision of the customs and trade laws of the United States (as defined in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4301)) shall be subject to any applicable civil or criminal penalty, including seizure and forfeiture, that may be imposed under that provision or title 18, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Tariff Act of 1930 is amended by inserting after the item relating to section 484b the following:

''Sec. 484c. Asset requirements applicable to nonresident importers.''.

(c) EFFECTIVE DATE.—Section 484c of the Tariff Act of 1930, as added by subsection (a)—

(1) takes effect on the date of the enactment of this Act; and

(2) applies with respect to merchandise entered, or withdrawn from warehouse for consumption, on or after the date that is 180 days after such date of enactment.

Subtitle D—Countering Currency Undervaluation

SEC. 1741. INVESTIGATION OR REVIEW OF CURRENCY UNDERVALUATION UNDER COUNTERVAILING DUTY LAW.

Section 702(c) of the Tariff Act of 1930 (19 U.S.C. 1671a(c)) is amended by adding at the end the following:

''(6) CURRENCY UNDERVALUATION.—For purposes of a countervailing duty investigation under this subtitle in which the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative and the petition includes an allegation of currency undervaluation by the government of a country or any public entity within the territory of a country that meets the requirements of clause (i) of that paragraph, or for purposes of a review under subtitle C with respect to a countervailing duty order involving such an allegation, the administering authority shall examine in its investigation or review whether currency undervaluation by the government of a country or any public entity within the territory of a country is providing, directly or indirectly, a countervailable subsidy.''.

SEC. 1742. DETERMINATION OF BENEFIT WITH RESPECT TO CURRENCY UNDERVALUATION.

Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended—

(1) in clause (iii), by striking '', and'' and inserting a comma;

(2) in clause (iv), by striking the period at the end and inserting '', and'';

(3) by inserting after clause (iv) the following:

''(v) in the case of a transaction involving currency, if there is a difference between the amount of currency received in exchange for United States dollars and the amount of currency that the recipient would have received absent an undervalued currency.''; and

(4) in the flush text following clause (v), as added by paragraph (3), by adding at the end the following: ''For purposes of clause (v), a determination of the existence and amount of a benefit from the exchange of an undervalued currency shall take into account a comparison of the exchange rates derived from a methodology determined by the administering authority to be appropriate in light of the facts and circumstances to the relevant actual exchange rates. That determination shall rely on authoritative information that is on the administrative record.''.

Subtitle E—General Provisions

SEC. 1751. APPLICATION TO CANADA AND MEXICO.

Pursuant to section 418 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4588), the amendments made by this title apply with respect to goods from Canada and Mexico.

SEC. 1752. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b) or (c), the amendments made by this title apply to countervailing duty investigations initiated under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), antidumping duty investigations initiated under subtitle B of title VII of such Act (19 U.S.C. 1673 et seq.), reviews initiated under subtitle C of title VII of such Act (19 U.S.C. 1675 et seq.), and circumvention inquiries requested under section 781 of such Act (19 U.S.C. 1677j), on or after the date of the enactment of this Act.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this title apply to—

(A) investigations or reviews under title VII of the Tariff Act of 1930 pending on the date of the enactment of this Act if the date on which the fully extended preliminary determination is scheduled is not earlier than 45 days after such date of enactment;

(B) circumvention inquiries initiated under section 781 of such Act before and pending on such date of enactment; and

(C) circumvention inquiries requested under section 781 of such Act but not initiated before such date of enactment.

(2) DEADLINES FOR CIRCUMVENTION INQUIRIES.—

(A) DETERMINATIONS.—In this case of a circumvention inquiry described in paragraph (1)(B), subsection (f)(4) of section 781 of the Tariff Act of 1930, as amended by section 1731(a), shall be applied and administered—

(i) in subparagraph (A)(i), by substituting ''the date of the enactment of the Eliminating Global Market Distortions To Protect American Jobs Act of 2022'' for ''the date on which the administering authority initiates a circumvention inquiry under paragraph (1) or (3)(A)''; and

(ii) in subparagraph (C), by substituting ''the date of the enactment of the Eliminating Global Market Distortions To Protect American Jobs Act of 2022'' for ''the filing of the inquiry request''.

(B) ACTIONS WITH RESPECT TO INQUIRY REQUESTS.—In this case of a circumvention inquiry described in paragraph (1)(C), the administering authority (as defined in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1))) shall, not later than 20 days after the date of the enactment of this Act, take an action described in subsection (f)(3) of section 781 of the Tariff Act of 1930, as amended by section 1731(a), with respect to the inquiry.

(c) RETROACTIVE APPLICATION OF MODIFICATION OF SALES BELOW COST PROVISION.—Section 773(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1677b(b)(3)), as amended by section 1724(a), applies to—

(1) antidumping duty investigations initiated under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.) on or after June 29, 2015;

(2) reviews initiated under subtitle C of title VII of such Act (19 U.S.C. 1675 et seq.) on or after June 29, 2015;

(3) resulting actions by U.S. Customs and Border Protection; and

(4) civil actions, criminal proceedings, and other proceedings before a Federal court relating to proceedings referred to in paragraphs (1) or (2) or actions referred to in paragraph (3) in which final judgment has not been entered on the date of the enactment of this Act.

SA 6336. Mr. BROWN (for himself, Mr. DURBIN, Mr. PADILLA, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. TRAINING REGARDING THE USE OF CONTAINMENT DEVICES TO PREVENT POTENTIAL SYNTHETIC OPIOID EXPOSURE.

(a) SHORT TITLES.—This section may be cited as the ''Prevent Exposure to Narcotics and Toxins Act of 2022'' or the ''PREVENT Act of 2022''.

(b) TRAINING.—Section 416(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 216(b)(1)) is amended by adding at the end the following:

''(C) How to use containment devices to prevent potential synthetic opioid exposure.''.

(c) AVAILABILITY OF CONTAINMENT DEVICES.—Section 416(c) of such Act (6 U.S.C. 216(c)) is amended—

(1) in the subsection heading, by inserting '', CONTAINMENT DEVICES,'' after ''EQUIPMENT''; and

(2) by striking ''and opioid receptor antagonists, including naloxone'' and inserting '', opioid receptor antagonists, including naloxone, and containment devices''.

(d) APPLICABILITY TO OTHER COMPONENTS.—If the Secretary of Homeland Secretary determines that officers, agents, other personnel, or canines of a component of the Department of Homeland Security other than U.S. Customs and Border Protection are at risk of potential synthetic opioid exposure in the course of their duties, the head of such component shall carry out the responsibilities under section 416 of the Homeland Security Act of 2002 (6 U.S.C. 216) in the same manner and to the same degree as the Commissioner of U.S. Customs and Border Protection carries out such responsibilities.

SA 6337. 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:

SEC. ___. UPDATE IN ELIGIBILITY FOR THE SUPPLEMENTAL SECURITY INCOME PROGRAM.

(a) UPDATE IN RESOURCE LIMIT FOR INDIVIDUALS AND COUPLES.—Section 1611(a)(3) of such Act (42 U.S.C. 1382(a)(3)) is amended—

(1) in subparagraph (A), by striking ''$2,250'' and all that follows through the end of the subparagraph and inserting ''$20,000 in calendar year 2022, and shall be increased as described in section 1617(d) for each subsequent calendar year.''; and

(2) in subparagraph (B), by striking ''$1,500'' and all that follows through the end of the subparagraph and inserting ''$10,000 in calendar year 2022, and shall be increased as described in section 1617(d) for each subsequent calendar year.''.

(b) INFLATION ADJUSTMENT.—Section 1617 of such Act (42 U.S.C. 1382f) is amended—

(1) in the section heading, by inserting ''; INFLATION ADJUSTMENT'' after ''BENEFITS''; and

(2) by adding at the end the following:

''(d) In the case of any calendar year after 2022, each of the amounts specified in section 1611(a)(3) shall be increased by multiplying each such amount by the quotient (not less than 1) obtained by dividing—

''(1) the average of the consumer price index for all urban consumers (all items; United States city average, as published by the Bureau of Labor Statistics of the Department of Labor) for the 12-month period ending with September of the preceding calendar year, by

''(2) such average for the 12-month period ending with September 2021.''.

SA 6338. Mr. LUJÁN (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 B of title XV, add the following:

SEC. 1531. AUTHORIZATION OF WORKFORCE DEVELOPMENT AND TRAINING PARTNERSHIP PROGRAMS WITHIN NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—The Administrator for Nuclear Security may authorize management and operating contractors at covered facilities to develop and implement workforce development and training partnership programs with covered institutions to further the education and training of employees or prospective employees of such management and operating contractors in order to meet the requirements of section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a).

(b) CAPACITY.—To carry out subsection (a), a management and operating contractor at a covered facility may provide to a covered institution funding through grants or other means to cover the costs of the development and implementation of a workforce development and training partnership program authorized under subsection (a), including costs related to curriculum development, hiring of teachers, procurement of equipment and machinery, use of facilities or other properties, and provision of scholarships and fellowships.

(c) DEFINITIONS.—In this section:

(1) COVERED INSTITUTION.—The term ''covered institution'' means—

(A) a historically Black college or university;

(B) a Hispanic-serving institution; or

(C) a Tribal College or University.

(2) COVERED FACILITY.—The term ''covered facility'' means—

(A) Los Alamos National Laboratory, Los Alamos, New Mexico; or

(B) the Savannah River Site, Aiken, South Carolina.

(3) HISPANIC-SERVING INSTITUTION.—The term ''Hispanic-serving institution'' has the meaning given that 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'' has the meaning given the term ''part B institution'' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(5) PROSPECTIVE EMPLOYEE.—The term ''prospective employee'' means an individual who has applied or who, based on their field of study and experience, is likely to apply for a position of employment with a management and operating contractor to support plutonium pit production at a covered facility.

(6) TRIBAL COLLEGE OR UNIVERSITY.—The term ''Tribal College or University'' has the meaning given that term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

SA 6339. 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 title X, add the following:

Subtitle H—Manufacturing Security and Resilience

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''Improving American Security through Manufacturing Resilience/Strengthening American Manufacturing and Supply Chain Resiliency Act of 2022''.

SEC. 1082. DEFINITIONS.

In this subtitle:

(1) ALLY OR KEY INTERNATIONAL PARTNER.—The term ''ally or key international partner'' does not include—

(A) a country that poses a significant national security or economic security risk to the United States; or

(B) a country of concern.

(2) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Manufacturing and Resilience, who is appointed pursuant to section 1083(c).

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

(A) in which a concentrated supply chain is located; and

(B)(i) that poses a significant national security or economic security threat to the United States;

(ii) that is a covered nation, as that term is defined in section 2533c(d) of title 10, United States Code; or

(iii) the government of which, or elements of such government, has proven to have, or has been credibly alleged to have, committed crimes against humanity or genocide.

(4) COVERED SUPPLY CHAIN.—The term ''covered supply chain'' means a supply chain with respect to a critical good.

(5) COVERED WESTERN HEMISPHERE COUNTRIES.—The term ''covered Western Hemisphere countries'' means the following countries:

(A) Anguilla.
(B) Antigua and Barbuda.
(C) Argentina.
(D) Aruba.
(E) The Bahamas.
(F) Barbados.
(G) Belize.
(H) Bermuda.
(I) Bolivia.
(J) Brazil.
(K) The British Virgin Islands.
(L) Canada.
(M) Chile.
(N) Colombia.
(O) Costa Rica.
(P) Dominica.
(Q) The Dominican Republic.
(R) Ecuador.
(S) El Salvador.
(T) Grenada.
(U) Guatemala.
(V) Guyana.
(W) Haiti.
(X) Honduras.
(Y) Jamaica.
(Z) Mexico.
(AA) Montserrat.
(BB) Panama.
(CC) Paraguay.
(DD) Peru.
(EE) Saint Kitts and Nevis.
(FF) Saint Lucia.
(GG) Saint Vincent and the Grenadines.
(HH) Suriname.
(II) Trinidad and Tobago.
(JJ) Turks and Caicos Islands.
(KK) Uruguay.
(LL) The sovereign government recognized by the United States in Venezuela.

(6) CRITICAL GOOD.—The term ''critical good'' means any raw, in process, or manufactured material (including any mineral, metal, or advanced processed material), article, commodity, supply, product, or item of supply, the absence of which would have a significant effect on—

(A) the national security or economic security of the United States; and

(B) critical infrastructure.

(7) CRITICAL INDUSTRY.—The term ''critical industry'' means an industry that is critical for the national security or economic security of the United States, taking into consideration key technology focus areas and critical infrastructure.

(8) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given the term in the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c).

(9) DOMESTIC ENTERPRISE.—The term ''domestic enterprise'' means an enterprise that conducts business in the United States and procures a critical good.

(10) DOMESTIC MANUFACTURER.—The term ''domestic manufacturer'' means a business that—

(A) conducts in the United States the research and development, engineering, or production activities necessary or incidental to manufacturing; or

(B) if provided a grant, loan, loan guarantee, or equity investment under section 1086, will conduct in the United States the research and development, engineering, or production activities necessary or incidental to manufacturing.

(11) ECONOMICALLY DISTRESSED AREA.—The term ''economically distressed area'' means an area that meets 1 or more of the criteria described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

(12) ELIGIBLE ACTIVITY.—The term ''eligible activity'' means an activity described in section 1086(c).

(13) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity described in section 1086(d).

(14) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551 of title 5, United States Code.

(15) INDUSTRIAL EQUIPMENT.—The term ''industrial equipment'' means any component, subsystem, system, equipment, tooling, accessory, part, or assembly necessary for the manufacturing of a critical good.

(16) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(17) KEY TECHNOLOGY FOCUS AREA.—The term ''key technology focus area'' means any of the following:

(A) Artificial intelligence, machine learning, autonomy, and related advances.

(B) High performance computing, semiconductors, and advanced computer hardware and software.

(C) Quantum information science and technology.

(D) Robotics, automation, and advanced manufacturing.

(E) Natural and anthropogenic disaster prevention or mitigation.

(F) Advanced communications technology, including optical transmission components and immersive technology.

(G) Biotechnology, medical technology, genomics, and synthetic biology.

(H) Data storage, data management, distributed ledger technologies, and cybersecurity, including biometrics.

(I) Advanced energy and industrial efficacy technologies, such as batteries, advanced nuclear technologies, and polysilicon for use in solar photovoltaics, including for the purposes of electric generation (consistent with section 15 of the National Science Foundation Act of 1950 (42 U.S.C. 1874)).

(J) Advanced materials science, including composites and 2D materials and equipment, aerospace grade metals, and aerospace specific manufacturing enabling chemicals.

(18) LABOR ORGANIZATION.—The term ''labor organization'' means—

(A) a labor organization, as defined in section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5));

(B) any organization that would be included under subparagraph (A) but for the fact that the organization represents—

(i) individuals employed by the United States, any wholly owned Government corporation, any Federal Reserve Bank, or any State (or political subdivision of a State);

(ii) individuals employed by persons subject to the Railway Labor Act (45 U.S.C. 151 et seq.); or

(iii) individuals employed as agricultural laborers; and

(C) any organization composed of organizations described in subparagraph (A) or (B), such as a labor federation or a State or municipal labor body.

(19) LENDER.—The term ''lender'' means any non-Federal qualified institutional buyer, as that term is defined in section 230.144A(a) of title 17, Code of Federal Regulations, or any successor regulation.

(20) LOAN.—The term ''loan''—

(A) means a direct loan or other debt obligation issued by the Assistant Secretary to an eligible entity under section 1086; and

(B) includes the provision of equity capital by a manufacturing investment company to an eligible entity under subsection (k) of section 1086 using amounts made available by the Assistant Secretary to the manufacturing investment company under that section.

(21) LOAN GUARANTEE.—The term ''loan guarantee'' means any guarantee or other pledge by the Assistant Secretary under section 1086 to pay all or part of the principal of, and interest on, a loan or other debt obligation entered into by an eligible entity or a manufacturing investment company and funded by a lender.

(22) MANUFACTURE.—The term ''manufacture'' means to take any activity that is necessary for, or incidental to, the development, production, processing, distribution, or delivery of any raw, in process, or manufactured material (including any mineral, metal, and advanced processed material), article, commodity, supply, product, critical good, or item of supply.

(23) MANUFACTURING FACILITY.—The term ''manufacturing facility'' means any type of building, structure, or real property necessary or incidental to the manufacturing of a critical good.

(24) MANUFACTURING INVESTMENT COMPANY.—The term ''manufacturing investment company'' means an incorporated body, a limited liability company, or a limited partnership, including a consortium of public and private entities, organized and chartered or otherwise existing under State law.

(25) MANUFACTURING TECHNOLOGY.—The term ''manufacturing technology'' means a technology that is necessary or incidental to the manufacturing of a critical good.

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

(27) OFFICE.—The term ''Office'' means the Office of Manufacturing Security and Resilience established under section 1083.

(28) OFFSHORE.—The term ''offshore'' means to transfer or relocate manufacturing capacity that is occurring, or otherwise would occur, in the United States to another country.

(29) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means the following:

(A) The Committee on Commerce, Science, and Transportation of the Senate.

(B) The Committee on Appropriations of the Senate.

(C) The Committee on Finance of the Senate.

(D) The Committee on Homeland Security and Governmental Affairs of the Senate.

(E) The Committee on Armed Services of the Senate.

(F) The Committee on Energy and Natural Resources of the Senate.

(G) The Select Committee on Intelligence of the Senate.

(H) The Committee on Science, Space, and Technology of the House of Representatives.

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

(J) The Committee on Appropriations of the House of Representatives.

(K) The Committee on Ways and Means of the House of Representatives.

(L) The Committee on Homeland Security of the House of Representatives.

(M) The Committee on Armed Services of the House of Representatives.

(N) The Permanent Select Committee on Intelligence of the House of Representatives.

(30) RESILIENT SUPPLY CHAIN.—The term ''resilient supply chain'' means a covered supply chain that—

(A) ensures that the United States can sustain critical industry production, supply chains, services, and access to critical goods, industrial equipment, and manufacturing technology during a supply chain shock; and

(B) has key components of resilience that include—

(i) effective private sector risk management and mitigation planning to sustain supply chains and supplier networks during a supply chain shock;

(ii) minimized or managed exposure to a supply chain shock; and

(iii) the financial and operational capacity to—

(I) sustain supply chains during a supply chain shock; and

(II) recover from a supply chain shock.

(31) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(32) SMALL BUSINESS CONCERN.—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)).

(33) STATE.—The term ''State'' means each State of the United States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States.

(34) SUPPLY CHAIN.—The term ''supply chain''—

(A) means a domestic or international network that provides the goods and services needed to deliver a finished product to end users; and

(B) includes the exploration, mining, concentration, alloying, recycling, and reprocessing of minerals in order to carry out the activities described in subparagraph (A).

(35) SUPPLY CHAIN INFORMATION.—The term ''supply chain information'' means information that—

(A) is not customarily in the public domain; and

(B) relates to—

(i) sustaining and adapting covered supply chains during a supply chain shock;

(ii) covered supply chain risk mitigation and recovery planning with respect to a supply chain shock, including any planned or past assessment, projection, or estimate of a vulnerability within a covered supply chain, including testing, supplier network assessments, production flexibility, risk evaluations, risk management planning, or risk audits; or

(iii) operational best practices, planning, and supplier partnerships that enable enhanced resilience of supply chains during a supply chain shock, including response, repair, recovery, reconstruction, insurance, or continuity with respect to those supply chains.

(36) SUPPLY CHAIN SHOCK.—The term ''supply chain shock'' includes a disruption to a supply chain that is caused by any of the following:

(A) A natural disaster or extreme weather event.

(B) An accidental or human-caused event.

(C) An economic disruption.

(D) A pandemic.

(E) A biological threat.

(F) A cyber attack.

(G) A great power conflict.

(H) A terrorist or geopolitical attack.

(I) A public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d).

(J) An event for which the President declares a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191).

(K) A national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(L) Any other supply chain disruption or threat that affects the national security or economic security of the United States.

(37) TRIBAL GOVERNMENT.—The term ''Tribal government'' means the governing body of a federally recognized Indian Tribe, an Alaska Native Tribal entity, or a Native Hawaiian community.

SEC. 1083. OFFICE OF MANUFACTURING SECURITY AND RESILIENCE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish within the Department of Commerce the Office of Manufacturing Security and Resilience.

(b) MISSION.—The mission of the Office shall be the following:

(1) Help to promote the leadership of the United States with respect to critical industries and covered supply chains that—

(A) strengthen the national security of the United States; and

(B) have a significant effect on the economic security of the United States.

(2) Encourage a Governmentwide approach through partnerships and collaboration with the private sector, labor organizations, the governments of countries that are allies or key international partners of the United States, States (or political subdivisions of States), and Tribal governments in order to—

(A) promote the resilience of covered supply chains; and

(B) identify, prepare for, and respond to supply chain shocks to—

(i) critical industries; and

(ii) covered supply chains.

(3) Monitor the resilience, diversity, security, and strength of covered supply chains and critical industries.

(4) Support the availability of critical goods from domestic manufacturers, domestic enterprises, and manufacturing operations in the United States and in countries that are allies or key international partners.

(5) Assist the Federal Government in preparing for, and responding to, supply chain shocks, including by improving the flexible manufacturing capacities and capabilities in the United States.

(6) Encourage and incentivize the reduced reliance of domestic enterprises and domestic manufacturers on critical goods from countries of concern.

(7) Encourage the relocation of manufacturing facilities that manufacture critical goods from countries of concern to the United States, and to countries that are allies and key international partners, to strengthen the resilience, diversity, security, and strength of covered supply chains.

(8) Support the creation of jobs with competitive wages in the United States manufacturing sector.

(9) Encourage manufacturing growth and opportunities in economically distressed areas and underserved communities in the United States.

(10) Promote the health of the economy of the United States and the competitiveness of manufacturing in the United States.

(11) Coordinate executive branch actions necessary to carry out the functions described in paragraphs (1) through (10).

(c) ASSISTANT SECRETARY OF THE OFFICE.—

(1) APPOINTMENT AND TERM.—The head of the Office shall be the Assistant Secretary of Commerce for Manufacturing and Resilience, who—

(A) shall be appointed by the President, by and with the advice and consent of the Senate, for a term of not more than 5 years; and

(B) may function, and be referred to, as the United States Chief Manufacturing Officer.

(2) PAY.—The Assistant Secretary shall be compensated at the annual rate of basic pay in effect for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(3) ADMINISTRATIVE AUTHORITIES.—The Assistant Secretary may appoint officers and employees in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

SEC. 1084. UNITED STATES STRATEGY TO COUNTER THREATS TO COVERED SUPPLY CHAINS.

(a) IN GENERAL.—In accordance with Executive Order 14017 (86 Fed. Reg. 11849; relating to America's supply chains), the Assistant Secretary shall, not later than 1 year after the date of enactment of this Act, develop and implement a strategy taking a Governmentwide approach to support the resilience, diversity, security, and strength of supply chains.

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

(1) A plan to do the following:

(A) Execute a unified national effort to reduce reliance on concentrated supply chains and protect against threats from countries of concern relating to covered supply chains.

(B) Support sufficient access to critical goods by mitigating supply chain vulnerabilities, including covered supply chains concentrated in countries of concern.

(C) Collaborate with other relevant Federal agencies to assist allies or key international partners build capacity for manufacturing critical goods.

(D) Incentivize (through grants, loans, loan guarantees, and equity investment authorized under section 1086) and identify tax incentives, trade preferences, or other means, as appropriate—

(i) for domestic manufacturers that manufacture critical goods to—

(I) relocate manufacturing facilities, industrial equipment, or operations relating to the manufacturing of critical goods from countries of concern to the United States or to other allies or key international partners; and

(II) support manufacturing facilities, industrial equipment, or operations to increase the manufacturing of critical goods and meet demand for critical goods; and

(ii) for domestic manufacturers that do not manufacture critical goods to make necessary or appropriate modifications to existing manufacturing facilities, industrial equipment, manufacturing technology, or operations in order to manufacture 1 or more critical goods.

(E) Describe the manner and processes through which the Assistant Secretary will implement the program under section 1086, including through consultation with, or requests for information from, the heads of any relevant Federal agencies, including those with jurisdiction over covered supply chains, for the purposes of ensuring the program authorized under section 1086—

(i) supports the resilience, diversity, security, and strength of a covered supply chain; and

(ii) meets the national security and economic security needs of the United States.

(F) Strengthen and increase trade through new and revised trade agreements and other forms of engagement between the United States, and allies or key international partners, in order to mitigate—

(i) covered supply chain vulnerabilities; and

(ii) the effects of supply chain shocks.

(G) Recover from supply chain shocks.

(H) Identify, in coordination with other relevant Federal agencies, actions relating to supply chains through which, by taking, the United States might—

(i) raise living standards;

(ii) increase employment opportunities;

(iii) address the underlying causes of irregular migration; and

(iv) improve critical industry supply chain response to supply chain shocks.

(I) Protect against supply chain shocks from countries of concern relating to covered supply chains.

(J) Provide recommendations to effectuate the strategy under this section.

(2) An assessment of the following:

(A) The extent to which any office or bureau within the Department of Commerce has duties, responsibilities, resources, or expertise that support or duplicate the mission of the Office.

(B) The purpose of each office and bureau identified under subparagraph (A).

(C) Whether the Assistant Secretary will coordinate with each office and bureau identified under subparagraph (A) in implementing the requirements of this subtitle.

(D) If the Assistant Secretary makes a positive determination under subparagraph (C), the effectiveness and efficiency of the Assistant Secretary, and each office and bureau described in that subparagraph, in implementing the requirements of this subtitle.

(3) Recommendations, if applicable and consistent with the objectives of this subtitle, on consolidating functions amongst the Office and each such office and bureau identified under paragraph (2)(A).

(c) SUBMISSION OF STRATEGY.—

(1) IN GENERAL.—Not later than 450 days after the date of enactment of this Act, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, and publish on the website of the Office, a report containing the strategy developed under this section.

(2) UPDATE.—Not less frequently than once every 4 years after the date on which the strategy developed under this section is submitted under paragraph (1), the Assistant Secretary shall submit to the committees described in paragraph (1) an update to that strategy.

(3) FORM.—The report submitted under paragraph (1), and any update submitted under paragraph (2), shall be submitted in unclassified form and may include a classified annex.

SEC. 1085. CRITICAL SUPPLY CHAIN MONITORING PROGRAM.

(a) ACTIVITIES.—The Assistant Secretary shall take the following actions:

(1) In consultation with the unified coordination group established under subsection (c)—

(A) map, monitor, and model covered supply chains, including by—

(i) monitoring the financial and operational conditions of domestic manufacturers and domestic enterprises;

(ii) performing stress tests for critical industries, covered supply chains, domestic enterprises, and domestic manufacturers;

(iii) monitoring the demand and supply of critical goods and services, industrial equipment, and manufacturing technology; and

(iv) monitoring manufacturing, warehousing, transportation, and distribution; and

(B) identify high priority supply chain gaps and vulnerabilities in critical industries and covered supply chains that—

(i) exist, as of the date of the enactment of this Act; or

(ii) are anticipated to develop after the date of enactment of this Act.

(2) Identify and evaluate the following:

(A) Supply chain shocks that may disrupt, strain, compromise, or eliminate a covered supply chain.

(B) The manufacturing needs critical to the national security and economic security of the United States.

(C) The diversity, security, reliability, and strength of—

(i) covered supply chains, including single point of failure, single producer, or consolidated manufacturing; and

(ii) the sources of critical goods, industrial equipment, or manufacturing technology, including those—

(I) obtained or purchased from a person outside of the United States; or

(II) imported into the United States.

(D) The availability, capability, and capacity of domestic manufacturers, or manufacturers located in countries that are allies or key international partners, to serve as a source of a critical good, industrial equipment, or manufacturing technology.

(E) The effect on the economic security of the United States, including jobs and wages, that may result from the disruption, strain, compromise, or elimination of a supply chain.

(F) The effect on the national security of the United States that may result from the disruption, strain, compromise, or elimination of a supply chain.

(G) The state of the manufacturing workforce, including—

(i) the needs of domestic manufacturers; and

(ii) opportunities to create high-quality manufacturing jobs.

(H) Investments in critical goods, industrial equipment, or manufacturing technology from non-Federal sources.

(3) In consultation with the unified coordination group established under subsection (c), States (or political subdivisions of States), and Tribal governments, and, as appropriate, in cooperation with the governments of countries that are allies or key international partners, the following:

(A) Identify opportunities to reduce supply chain gaps and vulnerabilities in critical industries and covered supply chains.

(B) Encourage partnerships between the Federal Government and industry, labor organizations, States (and political subdivisions of States), and Tribal governments to better respond to supply chain shocks to critical industries and covered supply chains and coordinate response efforts.

(C) Encourage partnerships between the Federal Government and the governments of countries that are allies or key international partners of the United States.

(D) Develop or identify opportunities to build the capacity of the United States in critical industries and covered supply chains.

(E) Develop or identify opportunities to build the capacity of countries that are allies or key international partners in critical industries and covered supply chains.

(4) In coordination with the Secretary of State and the United States Trade Representative, work with governments of countries that are allies or key international partners to promote diversified and resilient covered supply chains that ensure the supply of critical goods, industrial equipment, and manufacturing technology to the United States and companies that are headquartered in, or that have substantial operations in, countries that are allies or key international partners.

(5) Coordinate with other offices and divisions of the Department of Commerce and other Federal agencies to use authorities, whether in existence as of the day before the date of the enactment of this Act or established on or after the date of enactment of this Act, to encourage the resilience of supply chains of critical industries.

(b) CONTINUOUS MONITORING.—The Assistant Secretary, in consultation with the head of any other relevant Federal agency, including such an agency with jurisdiction over covered supply chains, shall continuously monitor the resilience, diversity, security, and strength of covered supply chains.

(c) COORDINATION GROUP.—

(1) IN GENERAL.—In carrying out the applicable activities under subsection (a), the Assistant Secretary shall establish a unified coordination group led by the Assistant Secretary, which shall include individuals representing private sector partners, labor organizations, and, as appropriate, federally funded research and development centers, to serve as a method for consultation between and among the Federal agencies described in subsection (g) to—

(A) plan for and respond to supply chain shocks; and

(B) support the resilience, diversity, security, and strength of covered supply chains.

(2) IMPLEMENTATION.—In consultation with the unified coordination group established under paragraph (1), the Assistant Secretary shall do the following:

(A) Acquire on a voluntary basis technical, engineering, and operational supply chain information from the private sector in a manner that ensures any supply chain information provided by the private sector is kept confidential and is exempt from disclosure under section 552(b)(3) of title 5, United States Code.

(B) Study the supply chain information acquired under subparagraph (A) to—

(i) identify covered supply chains;

(ii) assess the resilience of covered supply chains;

(iii) identify covered supply chains that are vulnerable to disruption, strain, compromise, or elimination; and

(iv) inform planning.

(C) Convene with relevant private sector entities to share best practices, planning, and capabilities to respond to potential supply chain shocks to covered supply chains.

(D) Develop contingency plans and coordination mechanisms to ensure an effective and coordinated response to potential supply chain shocks to covered supply chains.

(3) SUBGROUPS.—In carrying out the activities described in paragraph (2), the Assistant Secretary may establish subgroups of the unified coordination group established under paragraph (1) led by the head of an appropriate Federal agency.

(4) INTERNATIONAL AGREEMENTS.—The Secretary, in consultation with the United States Trade Representative and the head of any other relevant Federal agency, may enter into agreements with governments of countries that are allies or key international partners relating to enhancing the security and resilience of covered supply chains in response to supply chain shocks.

(d) DESIGNATIONS.—The Assistant Secretary shall—

(1) not later than 270 days after the date of enactment of this Act, designate—

(A) critical industries;

(B) covered supply chains; and

(C) critical goods;

(2) provide for a period of public comment and review in carrying out paragraph (1); and

(3) update the designations made under paragraph (1) not less frequently than once every 4 years.

(e) QUADRENNIAL REPORT ON SUPPLY CHAIN RESILIENCE AND DOMESTIC MANUFACTURING.—

(1) IN GENERAL.—Not later than 4 years after the date on which the final report required under section 4(a) of Executive Order 14017 (86 Fed. Reg. 11849; relating to America's supply chains) is submitted, and once every 4 years thereafter, the Assistant Secretary, in coordination with the head of each relevant Federal agency and relevant private sector entities, labor organizations, States (and political subdivisions of States), and Tribal governments, shall submit to the relevant committees of Congress and post on the website of the Assistant Secretary a report on covered supply chain resilience and domestic manufacturing (referred to in this subsection as the ''report'') to strengthen, improve, and preserve the resilience, diversity, security, and strength of covered supply chains.

(2) CONTENTS OF REPORT.—The report shall include the following:

(A) An identification of—

(i) the critical industries, covered supply chains, and critical goods designated under subsection (d);

(ii) supplies that are critical to the crisis preparedness of the United States;

(iii) substitutes for critical goods, industrial equipment, and manufacturing technology;

(iv) the matters identified and evaluated under subsection (a)(2); and

(v) countries that are critical to addressing international and domestic supply chain weaknesses and vulnerabilities.

(B) A description of—

(i) the manufacturing base and supply chains in the United States, including the manufacturing base and supply chains for—

(I) industrial equipment;

(II) critical goods, including semiconductors, that are essential to the production of technologies and supplies for critical industries; and

(III) manufacturing technology; and

(ii) the ability of the United States to—

(I) maintain readiness with respect to preparing for and responding to supply chain shocks; and

(II) in response to a supply chain shock—

(aa) surge production in critical industries;

(bb) surge production of critical goods and industrial equipment; and

(cc) maintain access to critical goods, industrial equipment, and manufacturing technology.

(C) An assessment and description of—

(i) demand and supply of critical goods, industrial equipment, and manufacturing technology;

(ii) production of critical goods, industrial equipment, and manufacturing technology by domestic manufacturers;

(iii) the capability and capacity of domestic manufacturers and manufacturers in countries that are allies or key international partners to manufacture critical goods, industrial equipment, and manufacturing technology; and

(iv) how supply chain shocks could affect rural, Tribal, and underserved communities.

(D) An identification of defense, intelligence, homeland, economic, domestic labor supply, natural, geopolitical, or other contingencies and other supply chain shocks that may disrupt, strain, compromise, or eliminate a covered supply chain.

(E) An assessment of—

(i)(I) the resilience of the manufacturing base, covered supply chains, and workforce of the United States, and of allies and key international partners; and

(II) the capacity of the manufacturing base, covered supply chains, and workforce of the United States, and of allies and key international partners, to sustain critical industries through a supply chain shock to a covered supply chain;

(ii) the flexible manufacturing capacity and capabilities available in the United States in the case of a supply chain shock; and

(iii) the effect that innovation has on domestic manufacturing.

(F) Specific recommendations to improve the security and resilience of manufacturing capacity and supply chains through the following:

(i) Developing long-term strategies.

(ii) Increasing visibility into the networks and capabilities of suppliers and domestic manufacturers.

(iii) Identifying industry best practices.

(iv) Evaluating how diverse supplier networks, multi-platform and multi-region production capabilities and sources, and integrated global and regional supply chains can—

(I) enhance the resilience of critical industries and manufacturing capabilities in the United States;

(II) support and create jobs in the United States; and

(III) support access of the United States to critical goods during a supply chain shock.

(v) Identifying and mitigating risks, including—

(I) the financial and operational risks of a covered supply chain;

(II) significant vulnerabilities to supply chain shocks and other emergencies; and

(III) exposure to gaps and vulnerabilities in—

(aa) domestic capacity or capabilities; and

(bb) sources of imports needed to sustain critical industries and covered supply chains.

(vi) Identifying enterprise resource planning systems that are—

(I) compatible across supply chain tiers; and

(II) affordable for small and medium-sized businesses.

(vii) Understanding the total cost of ownership, total value contribution, and other best practices that encourage strategic partnerships throughout covered supply chains.

(viii) Understanding Federal procurement opportunities to increase resilience of covered supply chains and fill gaps in domestic purchasing of critical goods.

(ix) Identifying policies that maximize job retention and creation in the United States, including workforce development programs.

(x) Identifying opportunities to work with allies or key international partners to build more resilient covered supply chains and mitigate risks.

(xi) Identifying areas requiring further investment in research and development or workforce education.

(xii) Identifying opportunities to reuse and recycle critical goods to increase the resiliency of covered supply chains.

(xiii) Identifying such other services as the Assistant Secretary determines necessary.

(G) Guidance to the National Science Foundation and other relevant Federal agencies with respect to critical goods, industrial equipment, and manufacturing technologies that should be prioritized.

(H) With respect to countries that are allies or key international partners—

(i) a review of, and, if appropriate, recommendations for expanding, the sourcing of critical goods, industrial equipment, and manufacturing technology associated with critical industries from those countries; and

(ii) a recommendation to coordinate with those countries on—

(I) sourcing critical goods, industrial equipment, and manufacturing technology; and

(II) developing, sustaining, and expanding production and availability of covered supply chains, critical goods, industrial equipment, and manufacturing technology during a supply chain shock.

(I) Recommendations for strengthening the financial and operational health of small and medium-sized businesses in covered supply chains of the United States and countries that are allies or key international partners to mitigate risks and ensure diverse and competitive supplier markets that are less vulnerable to failure.

(J) An assessment of policies, rules, and regulations that impact the operating costs of domestic manufacturers and inhibit the ability for domestic manufacturers to compete with global competitors.

(K) Recommendations regarding freight and logistics necessary to support covered supply chains.

(3) PROHIBITION.—The report may not include—

(A) supply chain information that is not aggregated; or

(B) confidential business information of a private sector entity.

(4) COLLABORATION.—The head of any Federal agency with jurisdiction over any covered supply chain shall collaborate with the Assistant Secretary and provide any information, data, or assistance that the Assistant Secretary determines to be necessary for developing the report.

(5) FORM.—The report, and any update of the report, shall be submitted in unclassified form and may include a classified annex.

(6) PUBLIC COMMENT.—The Assistant Secretary shall provide for a period of public comment and review in developing the report.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Concurrently with the annual submission to Congress of the budget justification materials in support of the budget request of the Department of Commerce (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the Secretary shall submit to the relevant committees of Congress and post on the website of the Assistant Secretary a report that contains a summary of the activities required under subsection (a) carried out under this section during the fiscal year covered by the report.

(2) CLASSIFICATION.—Each report required under paragraph (1) shall be submitted in unclassified form and may include a classified annex.

(g) COORDINATION.—

(1) IN GENERAL.—In implementing the requirements under subsection (e), the Assistant Secretary shall, as appropriate, coordinate with—

(A) the heads of appropriate Federal agencies, including—

(i) the Secretary of State; and

(ii) the United States Trade Representative; and

(B) the Attorney General and the Federal Trade Commission with respect to—

(i) advice on the design and activities of the unified coordination group described in subsection (c)(1); and

(ii) ensuring compliance with Federal antitrust law.

(2) SPECIFIC COORDINATION.—In carrying out the requirements under this section, with respect to covered supply chains involving specific sectors, the Assistant Secretary shall, as appropriate, coordinate with—

(A) the Secretary of Defense;

(B) the Secretary of Homeland Security;

(C) the Secretary of the Treasury;

(D) the Secretary of Energy;

(E) the Secretary of Transportation;

(F) the Secretary of Agriculture;

(G) the Director of National Intelligence;

(H) the Secretary of Health and Human Services;

(I) the Administrator of the Small Business Administration;

(J) the Secretary of Labor; and

(K) the head of any other relevant Federal agency, as appropriate.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require any private entity—

(1) to share information with the Secretary or Assistant Secretary;

(2) to request assistance from the Secretary or Assistant Secretary; or

(3) that requests assistance from the Secretary or Assistant Secretary to implement any measure or recommendation suggested by the Secretary or Assistant Secretary.

(i) PROTECTIONS.—

(1) IN GENERAL.—Supply chain information or records that are voluntarily and lawfully submitted by a private entity under this section and accompanied by an express statement described in paragraph (2)—

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

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

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

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

(A) in the case of written information or records, a written marking on the information or records substantially similar to the following: ''This information is voluntarily submitted to the Federal Government in expectation of protection from disclosure as provided by the provisions of section 1085(i) of the Improving American Security through Manufacturing Resilience/Strengthening American Manufacturing and Supply Chain Resiliency Act of 2022.''; or

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

(3) INAPPLICABILITY TO SEMICONDUCTOR INCENTIVE PROGRAM.—This subsection shall not apply to the voluntary submission of supply chain information by a private entity in an application for Federal financial assistance under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652).

(j) NO EFFECT ON DISCOVERY.—Subject to subsection (i), nothing in this section, nor in any rule or regulation issued under this section, may be construed to create a defense to a discovery request, or otherwise limit or affect the discovery of supply chain information from a private entity, arising from a cause of action authorized under any Federal, State, local, or Tribal law.

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

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Assistant Secretary $500,000,000 for each of fiscal years 2022 through 2027, to remain available until expended, to carry out this section, of which not more than 2 percent per fiscal year may be used for administrative costs.

SEC. 1086. MANUFACTURING SECURITY AND RESILIENCE PROGRAM.

(a) IN GENERAL.—The Assistant Secretary shall support the resilience, diversity, security, and strength of covered supply chains by providing grants, loans, and loan guarantees for eligible activities to eligible entities.

(b) APPLICATION.—The Assistant Secretary may not provide a grant, loan, or loan guarantee under this section to an eligible entity unless the eligible entity submits to the Assistant Secretary an application at such time, in such form, and containing such information as the Assistant Secretary may require, including—

(1) a description of the eligible activity to be carried out with the grant, loan, or loan guarantee;

(2) a description of the covered supply chain supported by the eligible activity;

(3) an estimate of the total costs of the eligible activity; and

(4) in the case of an application submitted for an eligible activity described in subparagraph (B) or (C) of subsection (c)(2), a description of domestic manufacturing operations for the production of the applicable critical good.

(c) ELIGIBLE ACTIVITIES.—

(1) ACTIVITIES IN THE UNITED STATES.—The following activities may be carried out with a grant, loan, or loan guarantee provided under this section :

(A) The development, diversification, preservation, improvement, support, restoration, or expansion of covered supply chains and the domestic manufacturing of critical goods, industrial equipment, and manufacturing technology, including activities that support any of the following:

(i) The manufacturing of a critical good or industrial equipment in the United States.

(ii) The commercialization, adoption, deployment, or use of manufacturing technology by domestic manufacturers in the United States.

(iii) The design, engineering, construction, expansion, improvement, repair, or maintenance of critical infrastructure or a manufacturing facility in the United States.

(iv) The purchase, lease, acquisition, enhancement, or retooling of industrial equipment for use in the United States.

(v) The purchase, lease, or other acquisition of critical goods, industrial equipment, or manufacturing technology from reliable sources.

(vi) The relocation of manufacturing facilities or operations related to the production of a critical good out of a country of concern and into the United States.

(vii) The modification of manufacturing facilities, industrial equipment, or operations related to the manufacture of critical goods to—

(I) create new capabilities for an eligible entity to manufacture critical goods in the United States;

(II) expand existing operations to increase the manufacture of critical goods in the United States; or

(III) accommodate any manufacturing operations related to critical goods that are being relocated to the United States.

(viii) The development of tools or processes that relate to procuring, transporting, or storing critical goods.

(B) The manufacture or acquisition of a substitute for a critical good, industrial equipment, or manufacturing technology.

(C) The establishment, improvement, development, expansion, or preservation of surge capacity or stockpiling of a critical good or industrial equipment, as appropriate and necessary.

(D) The establishment, improvement, or preservation of diverse, secure, reliable, and strong sources and locations of a critical good in the United States.

(2) ACTIVITIES RELATING TO ALLIES AND KEY INTERNATIONAL PARTNERS.—The following activities may be carried out with a loan or loan guarantee provided under this section:

(A) The design, engineering, construction, expansion, improvement, repair, or maintenance of critical infrastructure or a manufacturing facility in an ally or key international partner.

(B) The relocation of manufacturing facilities or operations relating to the production of a critical good out of a country of concern and into an ally or key international partner, with a priority for a country—

(i) that is a covered Western Hemisphere country;

(ii) that is a member state of the North Atlantic Treaty Organization (commonly referred to as ''NATO'');

(iii) that is designated as a major non-NATO ally pursuant to section 517(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k(a)); or

(iv) that is identified under section 1085(e)(2)(A)(v).

(C) The modification of manufacturing facilities, industrial equipment, or operations relating to the manufacture of critical goods to—

(i) create new capabilities for an eligible entity to manufacture critical goods in an ally or key international partner;

(ii) expand existing operations to increase the manufacture of critical goods in an ally or key international partner; or

(iii) accommodate any manufacturing operations related to critical goods that are being relocated to an ally or key international partner.

(d) ELIGIBLE ENTITIES.—Any of the following entities is eligible to receive a grant, loan, or loan guarantee under this section:

(1) A domestic manufacturer.

(2) A domestic enterprise.

(3) A State or a county, city, or other political subdivision of a State.

(4) A Tribal government.

(5) A manufacturing extension center established as part of the Hollings Manufacturing Extension Partnership carried out under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(6) A Manufacturing USA institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)).

(7) An institution of higher education acting as part of a consortium, partnership, or joint venture with another eligible entity described in any of paragraphs (1) through (6).

(8) A public or private nonprofit organization or association acting as part of a consortium, partnership, or joint venture with another eligible entity described in any of paragraphs (1) through (6).

(9) A consortium, partnership, or joint venture of 2 or more eligible entities described in any of paragraphs (1) through (8).

(e) REQUIREMENTS.—The Assistant Secretary may only provide a grant, loan, or loan guarantee to an eligible entity under this section if the Assistant Secretary makes a determination of the following:

(1) The grant, loan, or loan guarantee is for an eligible activity.

(2) Without the grant, loan, or loan guarantee, the eligible entity would not be able to fund or finance the eligible activity under reasonable terms and conditions.

(3) The grant, loan, or loan guarantee is a cost effective, expedient, and practical form of financial assistance for the eligible activity.

(4) There is a reasonable assurance that—

(A) the eligible entity will implement the eligible activity in accordance with the application submitted under subsection (b); and

(B) the eligible activity will support—

(i) the resilience, diversity, security, or strength of a covered supply chain; and

(ii) the national security or economic security of the United States.

(5) The eligible entity agrees to provide the information required under subsection (o)(3).

(6) For an eligible activity described in subparagraph (B) or (C) of subsection (c)(2), relocation of a manufacturing facility or operations into the United States is uneconomical.

(7) The eligible activity does not support the production of a critical good subject to an anti-dumping or countervailing duty order imposed by the United States.

(f) CRITERIA.—The Assistant Secretary shall establish criteria for the providing of grants, loans, and loan guarantees under this section that meet the requirements of subsection (e), including the following:

(1) The extent to which the applicable eligible activity supports the resilience, diversity, security, and strength of a covered supply chain.

(2) The extent to which the applicable eligible activity is funded or financed by non-Federal sources.

(3) The extent to which the grant, loan, or loan guarantee will assist small and medium-sized domestic manufacturers.

(4) The amount of appropriations that are required to fund or finance the grant, loan, or loan guarantee.

(g) RELOCATION CONSIDERATION.—In making a determination to provide a loan or loan guarantee to an eligible entity for an eligible activity described in subparagraph (B) or (C) of subsection (c)(2), the Assistant Secretary—

(1) shall—

(A) consult with the Secretary of State and the heads of other relevant Federal agencies, as appropriate; and

(B) to the extent practicable, ensure that no single ally or key international partner benefits from an outsized amount of Federal funding provided under this section; and

(2) may take into considerations labor and environmental standards of the applicable ally or key international partner when considering the siting locations for the eligible activity.

(h) RELOCATION LIMITATIONS.—As a condition of receiving a loan or loan guarantee for an eligible activity described under subparagraph (B) or (C) of subsection (c)(2), the Assistant Secretary shall prohibit an eligible entity from making capital or labor investments in the manufacturing facility or operation in the country of concern for the duration of the grant, loan, or loan guarantee.

(i) GRANT COST SHARE.—

(1) IN GENERAL.—The amount of a grant provided under this section may not exceed 80 percent of the reasonably anticipated costs of the eligible activity for which the grant is provided.

(2) WAIVER.—Upon providing written justification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, which may be submitted with a classified annex, the Assistant Secretary may waive the cost share requirement of paragraph (1)—

(A) during a period of national emergency declared under a duly enacted law of the United States or by the President; or

(B) upon making a determination that the applicable grant is necessary to avert the disruption, strain, compromise, or elimination of a covered supply chain that would severely affect the national security or economic security of the United States.

(3) USE OF OTHER FEDERAL ASSISTANCE.—Federal assistance other than a grant provided under this section may be used to satisfy the non-Federal share of the cost of the eligible activity.

(j) LOANS AND LOAN GUARANTEES.—

(1) IN GENERAL.—The Assistant Secretary may enter into an agreement with an eligible entity to provide a loan under this section, the proceeds of which shall be used to finance an eligible activity.

(2) MAXIMUM AMOUNT.—The amount of a loan provided under this section may not exceed 80 percent of the reasonably anticipated costs of the eligible activity for which the loan is provided.

(3) WAIVER.—Upon providing written justification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, which may be submitted with a classified annex, the Assistant Secretary may waive the cost share requirement of paragraph (2)—

(A) during a period of national emergency declared under a duly enacted law of the United States or by the President; or

(B) upon making a determination that the applicable loan is necessary to avert the disruption, strain, compromise, or elimination of a covered supply chain that would severely affect the national security or economic security of the United States.

(4) LOAN GUARANTEES.—

(A) IN GENERAL.—The Assistant Secretary may provide a loan guarantee to a lender in lieu of providing a loan under this section.

(B) TERMS.—The terms of a loan guarantee provided under this section shall be consistent with the terms established in this subsection for a loan.

(k) MANUFACTURING INVESTMENT COMPANIES.—

(1) IN GENERAL.—The Assistant Secretary may provide a loan or loan guarantee under this subsection to a manufacturing investment company.

(2) EQUITY CAPITAL.—A manufacturing investment company shall use the proceeds of a loan or loan guarantee provided under this subsection to provide a source of equity capital for eligible entities to carry out eligible activities.

(3) APPLICATION.—The Assistant Secretary may not provide a loan or loan guarantee to a manufacturing investment company under this subsection unless the manufacturing investment company submits to the Assistant Secretary an application at such time, in such form, and containing such information as the Assistant Secretary may require, which shall include the following:

(A) A plan describing how the manufacturing investment company intends to provide equity capital to eligible entities to support the resilience, diversity, security, and strength of covered supply chains.

(B) Information regarding the relevant qualifications and general reputation of the management of the manufacturing investment company.

(C) A description of how the manufacturing investment company intends to address the unmet capital needs of eligible entities.

(D) A description of whether and to what extent the manufacturing investment company meets the criteria established under paragraph (4).

(E) For a manufacturing investment company seeking to provide equity capital for an eligible activity described in subparagraph (B) or (C) of subsection (c)(2), a description of domestic manufacturing operations for the production of the applicable critical good.

(4) CRITERIA.—The Secretary shall establish criteria for the providing of a loan or loan guarantee under this subsection to a manufacturing investment company, including the following:

(A) The extent to which the equity capital to be provided under paragraph (2) will support the resilience, diversity, security, and strength of covered supply chains.

(B) The extent to which the activities described in the plan submitted under paragraph (3)(A) will be funded or financed by non-Federal sources.

(C) The extent to which the manufacturing investment company will assist small and medium-sized domestic manufacturers.

(D) The amount of appropriations that are required to fund or finance the loan or loan guarantee.

(5) REQUIREMENTS.—As a condition of providing a loan or loan guarantee under this subsection, the Assistant Secretary shall require a manufacturing investment company to certify the following:

(A) The applicable equity capital is for an eligible activity.

(B) Without the applicable equity capital, the eligible entity would not be able to fund or finance the eligible activity under reasonable terms and conditions.

(C) The applicable equity capital is a cost effective, expedient, and practical form of financial assistance for the eligible activity.

(D) There is a reasonable assurance that—

(i) the eligible entity will implement the eligible activity; and

(ii) the eligible activity will support—

(I) the resilience, diversity, security, or strength of a covered supply chain; and

(II) the national security or economic security of the United States.

(E) The manufacturing investment company will provide the information required under paragraph (6)(C).

(F) In the case of an eligible activity described in subsection (c)(2) (B) or (C), relocation of a manufacturing facility or operations into the United States is uneconomical.

(G) The eligible activity does not support the production of a critical good subject to an anti-dumping or countervailing duty order imposed by the United States.

(6) PERFORMANCE MEASURES.—For loans and loan guarantees provided under this subsection, the Assistant Secretary shall—

(A) develop metrics to assess the extent to which manufacturing investment companies meet the criteria established under paragraph (4);

(B) assess the extent to which each manufacturing investment company to which a loan or loan guarantee is provided is meeting the criteria established under paragraph (4); and

(C) require each manufacturing investment company to which a loan or loan guarantee is provided to provide to the Assistant Secretary any information relating to the loan or loan guarantee that the Assistant Secretary determines to be necessary to conduct the assessment under subparagraph (B).

(7) EQUITY CAPS.—The Assistant Secretary may, as a condition of providing a loan or loan guarantee under this subsection, establish limits on—

(A) the maximum amount of equity or quasi-equity securities, shares, or financial interests a manufacturing investment company may purchase, make and fund commitments to purchase, invest in, make pledges in respect of, or otherwise acquire from an eligible entity; and

(B) the maximum amount of assets a manufacturing investment company may hold to be eligible for the loan or loan guarantee.

(8) CONDITIONS.—The Assistant Secretary may prescribe specifically, or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges that may be made in connection with equity capital made under this subsection.

(9) RELOCATION CONSIDERATION.—In making a determination to provide a loan or loan guarantee to a manufacturing investment company for an eligible activity described in subparagraph (B) or (C) of subsection (c)(2), the Assistant Secretary may take into consideration labor and environmental standards of the applicable ally or key international partner when considering the siting locations for the eligible activity.

(10) RELOCATION LIMITATIONS.—As a condition of receiving a loan or loan guarantee from a manufacturing investment company for an eligible activity described in subparagraph (B) or (C) of subsection (c)(2), the manufacturing investment company shall prohibit an eligible entity from making capital or labor investments in the manufacturing facility or operation in the country of concern for the duration of the equity capital.

(l) CREDITWORTHINESS.—

(1) IN GENERAL.—For a loan or loan guarantee provided under this section, the applicable manufacturing investment company, or eligible entity and eligible activity, receiving such loan or loan guarantee shall be creditworthy, as determined by the Assistant Secretary.

(2) CONSIDERATIONS.—In determining the creditworthiness of a manufacturing investment company, or an eligible entity and eligible activity, under paragraph (1), with respect to a loan or loan guarantee provided under this section, the Assistant Secretary shall take into consideration relevant factors, including the following:

(A) The terms, conditions, financial structure, and security features of the loan or loan guarantee.

(B) The revenue sources that will secure or fund any note, bond, debenture, or other debt obligation issued in connection with the loan or loan guarantee.

(C) The financial assumptions upon which the loan or loan guarantee is based.

(D) The ability of, as applicable—

(i) the manufacturing investment company to provide a source of equity capital for eligible entities; or

(ii) the eligible entity to successfully achieve the goal of the eligible activity.

(E) The financial soundness and credit history of the manufacturing investment company or eligible entity, as applicable.

(m) CONDITIONS.—The Assistant Secretary may prescribe—

(1) specifically, or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges that may be made in connection with a loan or loan guarantee made under this section; and

(2) regulations governing the forms and procedures (which shall be uniform to the extent practicable) to be used in connection with loans and loan guarantees described in paragraph (1).

(n) SELECTION OF RECIPIENTS.—

(1) ABILITY TO MEET CRITERIA.—To the extent practicable, in providing grants, loans, and loan guarantees under this section, the Assistant Secretary shall—

(A) select—

(i) manufacturing investment companies that best meet the criteria established under subsection (k)(4); and

(ii) eligible entities and eligible activities that best meet the criteria established under subsection (f); and

(B) serve the greatest needs for a diverse array of critical industries.

(2) PRIORITY.—In providing grants, loans, and loan guarantees under this section, the Assistant Secretary shall prioritize—

(A) eligible activities that—

(i) are within the United States and employ citizens of the United States; and

(ii) will result in the production of critical goods that relate to the strategic needs of the Federal Government in preparing for and responding to supply chain shocks;

(B) eligible entities that agree to coordinate with the Assistant Secretary to assist the United States in preparing for and responding to supply chain shocks, including through the manufacture of critical goods, as necessary; and

(C) small and medium-sized manufacturers.

(o) PERFORMANCE MEASURES.—For grants, loans, and loan guarantees provided under this section to eligible entities, the Assistant Secretary shall—

(1) develop metrics to assess the extent to which the criteria established under subsection (f) are met;

(2) assess the extent to which the criteria established under subsection (f) are met; and

(3) require the eligible entity to provide to the Assistant Secretary any information that the Assistant Secretary determines to be necessary to conduct the assessment under paragraph (2).

(p) CONSTRUCTION PROJECTS.—The requirements of section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212) shall apply to a construction project that receives financial assistance from the Assistant Secretary under this section in the same manner as such requirements apply to a project assisted by the Secretary under such Act.

(q) WORKFORCE PROTECTIONS.—Any eligible entity and manufacturing investment company applying for a grant, loan, or loan guarantee under this section, in any case in which the eligible entity has not fewer than 100 employees, shall make a good-faith certification to the Assistant Secretary that—

(1) the eligible entity will not abrogate existing collective bargaining agreements, as applicable, for—

(A) the term of the grant; or

(B) the term of the loan or loan guarantee and 2 years after completing repayment of the loan; and

(2) the eligible entity will remain neutral in any union organizing effort for the term of the grant, loan, or loan guarantee.

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

(s) LIMITATION.—To the extent practicable, none of the funds made available to carry out this section may be used to support manufacturing in a country of concern.

(t) REGULATIONS.—The Assistant Secretary may promulgate such regulations as the Assistant Secretary determines to be appropriate to carry out this section.

(u) SUPPLY CHAINS FOR CRITICAL MANUFACTURING INDUSTRIES FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Supply Chains for Critical Manufacturing Industries Fund'' (referred to in this section as the ''Fund''), which shall solely be used by the Assistant Secretary to carry out this section.

(2) REVOLVING LOAN FUND.—The proceeds of any rates of interest, guarantee and commitment fees, and other charges prescribed under subsection (m)(1) shall be deposited into the Fund.

(v) RULE OF CONSTRUCTION.—Nothing in this section may be construed to permit the proceeds of a grant, loan, loan guarantee, or equity investment to support activities that offshore manufacturing capacity from the United States.

(w) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Fund $45,000,000,000 for fiscal years 2022 through 2027, which shall remain available until expended.

(2) PURPOSES.—Of the amount appropriated pursuant to the authorization under paragraph (1), not more than—

(A) $31,000,000,000 may be used to provide loans and loan guarantees to eligible entities;

(B) $10,000,000,000 may be used to provide grants to eligible entities;

(C) $4,000,000,000 may be used to provide loans and loan guarantees to manufacturing investment companies; and

(D) 2 percent per fiscal year may be used for administrative costs.

SEC. 1087. SUPPLY CHAIN INNOVATION AND BEST PRACTICES.

(a) IN GENERAL.—The Assistant Secretary, in consultation with the Director of the National Institute of Standards and Technology, shall, on an ongoing basis, facilitate and support the development of a voluntary set of standards, guidelines, best practices, management strategies, methodologies, procedures, and processes for domestic manufacturers and entities manufacturing, purchasing, or using a critical good to—

(1) measure the resilience, diversity, security, and strength of covered supply chains;

(2) evaluate the value of the resilience, diversity, security, and strength of covered supply chains; and

(3) design organizational processes and incentives to reduce the risks of disruption, strain, compromise, or elimination of a covered supply chain.

(b) REQUIREMENTS.—In carrying out subsection (a), the Assistant Secretary shall do the following:

(1) Coordinate closely and regularly with relevant private sector personnel and entities, manufacturing extension centers established as part of the Hollings Manufacturing Extension Partnership carried out under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), Manufacturing USA institutes described in section 34(d) of that Act (15 U.S.C. 278s(d)), and other relevant stakeholders and incorporate industry expertise.

(2) Consult with the head of any relevant Federal agency, including those with jurisdiction over covered supply chains, States, local governments, Tribal governments, the governments of other nations, and international organizations, as necessary.

(3) Collaborate with private sector stakeholders to identify a prioritized, flexible, repeatable, performance-based, and cost-effective approach that may be voluntarily adopted by domestic manufacturers and entities purchasing or using a critical good to help those domestic manufacturers and entities—

(A) identify, assess, and manage risks to covered supply chains; and

(B) value the resilience, diversity, security, and strength of their covered supply chains.

(4) Facilitate the design of—

(A) voluntary processes for selecting suppliers that support the resilience, diversity, security, and strength of covered supply chains; and

(B) methodologies to identify and mitigate the effects of a disruption, strain, compromise, or elimination of a covered supply chain.

(5) Disseminate research and information to assist domestic manufacturers redesign products, expand manufacturing capacity, and improve capabilities to meet domestic needs for critical goods and covered supply chains.

(6) Incorporate relevant voluntary standards and industry best practices.

(7) Consider small business concerns.

(8) Any other elements the Assistant Secretary determines to be necessary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office $500,000,000 for each of fiscal years 2022 through 2027, to remain available until expended, for the Assistant Secretary to carry out this section, of which not more than 2 percent per fiscal year may be used for administrative costs.

SEC. 1088. PROGRAM EVALUATION BY THE INSPECTOR GENERAL OF THE DEPARTMENT OF COMMERCE.

(a) PROGRAM EVALUATION.—Not later than 4 years after the date of enactment of this Act, and once every 4 years thereafter, the Inspector General of the Department of Commerce shall conduct an audit of the Office to—

(1) evaluate the performance of the activities supported by a grant, loan, or loan guarantee provided under section 1086;

(2) evaluate the extent to which the requirements and criteria under this subtitle are met; and

(3) provide recommendations on any proposed changes to improve the effectiveness of the Office on meeting the mission described in section 1083(b).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Inspector General of the Department of Commerce $5,000,000 for each of fiscal years 2022 through 2027, to remain available until expended, to carry out subsection (a).

SEC. 1089. SUPPLY CHAIN DATABASE AND TOOLKIT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a database and online toolkit under which—

(A) United States businesses may voluntarily submit to the Secretary information on—

(i) the products produced by those businesses in the United States, which may be finished goods or inputs for other goods;

(ii) the inputs required for the products described in clause (i), which may include, with respect to such an input—

(I) the specific geographic location of the production of the input, including if the input is sourced from the United States or a foreign country;

(II) the business name of a supplier of the input;

(III) information relating to perceived or realized challenges in securing the input;

(IV) information relating to the suspected vulnerabilities or implications of a disruption in securing the input, whether related to national security or the effect on the United States business; or

(V) in the case of an input sourced from a foreign country, information on—

(aa) why the input is sourced from a foreign country rather than sourced from in the United States; and

(bb) if the United States business would be interested in identifying an alternative produced in the United States;

(B) United States businesses may request and receive contact information or general information about a United States source or a foreign source for an input;

(C) United States businesses are able to specify—

(i) what information can be shared with other United States businesses;

(ii) what information should be shared only with the Department of Commerce; and

(iii) what information could be submitted to Congress or made available to the public; and

(D) the Secretary shall make information provided under this paragraph available, subject to subparagraph (C), to enable other United States businesses to identify inputs for their products produced in the United States.

(2) FORMAT; PUBLIC AVAILABILITY.—The Secretary shall—

(A) provide the database and online toolkit established under paragraph (1) on a publicly available website of the Department of Commerce; and

(B) ensure that the database and online toolkit are—

(i) searchable and filterable according to the type of information; and

(ii) presented in a user-friendly format.

(3) EXEMPTION FROM PUBLIC DISCLOSURE.—Information submitted to the Secretary in relation to the database and online toolkit established under paragraph (1)—

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

(B) shall not be made available by any Federal, State, political subdivision, or Tribal authority pursuant to any Federal, State, political subdivision, or Tribal law requiring public disclosure of information or records.

(4) REPORTING.—

(A) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, and once every 4 years thereafter, the Secretary shall submit to Congress a report that includes—

(i) an assessment of the effectiveness of the database and online toolkit established under paragraph (1), including statistics regarding the number of new entries, total businesses involved, and any change in participation rate during the preceding 180-day period;

(ii) recommendations for additional actions to improve the database and online

toolkit and participation in the database and online toolkit; and

(iii) such other information as the Secretary considers appropriate.

(B) PUBLIC REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall post on a publicly available website of the Department of Commerce a report that sets forth—

(i) general statistics relating to foreign and domestic sourcing of inputs used by United States businesses;

(ii) an estimate of the percentage of total inputs used by United States businesses obtained from foreign countries;

(iii) data on the inputs described in clause (ii), which shall be disaggregated by industry, geographical location, and size of operation; and

(iv) a description of the methodology used to calculate the statistics and estimates required under this paragraph.

(b) PUBLIC OUTREACH CAMPAIGN.—

(1) IN GENERAL.—The Secretary shall carry out a national public outreach campaign—

(A) to educate United States businesses about the existence of the database and online toolkit established under subsection (a); and

(B) to facilitate and encourage the participation of United States businesses in the database and online toolkit established under subsection (a).

(2) OUTREACH REQUIREMENT.—In carrying out the campaign under paragraph (1), the Secretary shall—

(A) establish an advertising and outreach program directed to businesses, industries, State and local agencies, chambers of commerce, and labor organizations—

(i) to facilitate understanding of the value of an aggregated demand mapping system; and

(ii) to advertise that the database and online toolkit established under subsection (a) are available for that purpose;

(B) not later than 10 days after the date of enactment of this Act, notify appropriate State agencies regarding the development of the database and online toolkit established under subsection (a); and

(C) post a notice on a publicly available website of the Department of Commerce and establish a social media awareness campaign to advertise the database and online toolkit.

(3) COORDINATION.—In carrying out the campaign under paragraph (1), the Secretary may coordinate with other Federal agencies and State or local agencies, as appropriate.

(4) SEPARATE ACCOUNTING.—The Secretary shall include in the budget justification materials submitted to Congress in support of the budget request of the Department of Commerce for fiscal years 2023 and 2024 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) specific identification, as a budgetary line item, of the amounts required to carry out the campaign under paragraph (1).

(c) USE OF DEPARTMENT OF COMMERCE RESOURCES.—

(1) IN GENERAL.—The Secretary—

(A) shall, to the maximum extent practicable, construct the database and online toolkit required under subsection (a), and related analytical features, using expertise within the Department of Commerce; and

(B) may, as appropriate, adopt new technologies and hire additional employees to carry out this section.

(2) MINIMIZATION OF CONTRACTING.—If the activities described in subparagraphs (A) and (B) of paragraph (1) cannot be completed without the employment of contractors, the Secretary shall seek to minimize the number of contractors and the scope of the contract.

(d) TERMINATION.—This section shall terminate on September 30, 2025.

SA 6340. Mr. MENENDEZ (for himself, Mr. RISCH, 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, add the following:

DIVISION E—TAIWAN POLICY ACT OF 2022

SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.

This division may be cited as the ''Taiwan Policy Act of 2022''.

SEC. 5002. FINDINGS.

Congress finds the following:

(1) Since 1949, the close relationship between the United States and Taiwan has been of enormous benefit to both parties and to the Indo-Pacific region as a whole.

(2) The Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) has enabled the people of the United States and the people of Taiwan to maintain a strong and important relationship that promotes regional security, prosperity, and shared democratic values.

(3) The security of Taiwan and the ability for the people of Taiwan to determine their own future are fundamental to United States interests and values.

(4) The Taipei Economic and Cultural Representative Office in the United States and the American Institute in Taiwan facilitate critical consular relations that—

(A) protect the interests of the people of the United States and the people of Taiwan; and

(B) strengthen people-to-people ties.

(5) Increased engagement between public officials, commercial interests, civil society leaders, and others enhances United States-Taiwan relations and its economic, security, and democratic dimensions.

(6) Taiwan serves as a critical partner on regional and transnational issues, such as public health, climate change, critical and emerging technologies, cybersecurity, trade, and freedom of navigation.

(7) Taiwan exemplifies a thriving democracy consisting of more than 23,000,000 people who value their suffrage, free markets, right to due process, freedom of expression, and other individual liberties.

(8) President Xi Jinping of the People's Republic of China (referred to in this division as the ''PRC'') continues to repeat his desire to stifle the freedom of Taiwan, as evidenced by his July 2021 proclamation, in which he stated, ''All sons and daughters of China, including compatriots on both sides of the Taiwan Strait, must work together and move forward in solidarity, resolutely smashing any Taiwan independence plots.''.

(9) As President Xi Jinping concentrates his power in the Chinese Communist Party (referred to in this division as the ''CCP''), he is escalating the PRC's campaign of coercion and intimidation against Taiwan, as evidenced by—

(A) the accelerated preparations made by the PRC and its People's Liberation Army (referred to in this division as the ''PLA'') for an offensive attack against Taiwan, such as the PLA's January 2022 incursion of nearly 40 fighters, bombers, and other warplanes into Taiwan's air defense identification zone;

(B) the PLA's growing offensive preparations in the Taiwan Strait, such as amphibious assault and live-fire exercises and record-scale incursions into Taiwanese air space;

(C) the Foreign Ministry's diplomatic efforts to isolate Taiwan, such as abusing its position in international institutions and multilateral fora to exclude Taiwanese participation despite Taiwan's demonstrated expertise in relevant subjects, such as public health;

(D) threats and actions to compromise Taiwan's economy and critical suppliers, such as draconian export controls and the ''31 Measures'' intended to lure Taiwanese talent to mainland China and away from Taiwan;

(E) persistent and targeted cyberattacks, numbering nearly 20,000,000 per month, which are intended to compromise Taiwan's critical infrastructure and inflict civilian harm;

(F) political and economic pressure on other countries who seek closer ties with Taiwan, such as recent export controls related to Lithuania after Lithuania announced a permanent Taiwanese Representative Office in Lithuania.

(10) On multiple occasions, through both formal and informal channels, the United States has expressed its concern for the PRC's destabilizing activities in the Taiwan Strait and on the international stage that aim to subvert Taiwan's democratic institutions.

(11) The Indo-Pacific Strategy of the United States—

(A) identifies Taiwan as an important leading regional partner;

(B) seeks to bolster Taiwan's self-defense capabilities; and

(C) reaffirms that Taiwan's future must be determined peacefully and in accordance with the wishes and best interests of the people of Taiwan.

(12) The PRC considers stifling the freedom of Taiwan as a critical and necessary step to displacing the United States as the preeminent military power in the Indo-Pacific and continues its modernization campaign to enhance the power-projection capabilities of the PLA and its ability to conduct joint operations.

(13) Taiwan maintains a modern, ready, self-defense force that adheres to the highest democratic principles and benefits from continued state of the art security assistance.

(14) The defense of Taiwan is critical to—

(A) mitigating the PLA's ability to project power and establish contested zones within the First and Second Island Chains and limiting the PLA's freedom of maneuver to engage in unconstrained power projection beyond the First Island Chain in order to protect United States territory, such as Hawaii and Guam;

(B) defending the territorial integrity of Indo-Pacific allies, such as Japan;

(C) deterring other countries and competitors from exercising force as a means to revise the established status quo;

(D) championing democratic institutions and societies in the Indo-Pacific region and throughout the world; and

(E) maintaining a rules-based international order that—

(i) constrains authoritarian powers;

(ii) enshrines collective security;

(iii) promotes democracy and respect for human rights and fundamental freedoms; and

(iv) promotes peace and prosperity.

SEC. 5003. DEFINITIONS.

In this division:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise provided in this division, the term ''appropriate committees of Congress'' means—

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

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

(C) the Committee on Appropriations of the Senate;

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

(E) the Committee on Armed Services of the House of Representatives; and

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

(2) GOVERNMENT IN TAIWAN.—The term ''government in Taiwan'' means the national-level government and its administrative units at the municipal, county, and local levels in Taiwan, including its representatives overseas.

(3) PEOPLE'S LIBERATION ARMY; PLA.—The terms ''People's Liberation Army'' and ''PLA'' mean the armed forces of the People's Republic of China.

(4) REPUBLIC OF CHINA.—The term ''Republic of China'' means ''Taiwan''.

(5) SHARP POWER.—The term ''sharp power'' means the coordinated and often concealed application of disinformation, media manipulation, economic coercion, cyber-intrusions, targeted investments, and academic censorship that is intended—

(A) to corrupt political and nongovernmental institutions and interfere in democratic elections and encourage self-censorship of views at odds with those of the Government of the People's Republic of China or the Chinese Communist Party; or

(B) to foster attitudes, behavior, decisions, or outcomes in Taiwan and elsewhere that support the interests of the Government of the People's Republic of China or the Chinese Communist Party.

TITLE I—UNITED STATES POLICY TOWARD TAIWAN

SEC. 5101. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to support the security of Taiwan, the stability of cross-Strait relations, and the freedom of the people of Taiwan to determine their own future, and to strenuously oppose any action by the PRC to use force to change the status quo of Taiwan;

(2) to cooperate with Taiwan as an important partner of the United States in promoting a free and open Indo-Pacific;

(3) to deter the use of force by the PRC to change the status quo of Taiwan by coordinating with allies and partners—

(A) to identify and develop significant economic, diplomatic, and other measures that will deter and impose costs on any such use of force;

(B) to convey, in advance, severe consequences that would take effect immediately after the PRC engaged in any such use of force; and

(C) to support and cooperate with Taiwan to implement, resource, and modernize its military capabilities, including an effective defense strategy, through security assistance and increases in defense spending;

(4) to strengthen cooperation with the military of Taiwan under the framework of the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the Six Assurances, with consideration of the ongoing military buildup in China and the military balance in the Taiwan Strait, and to transfer defense articles to Taiwan to enhance its capabilities, including its efforts to undertake defensive operations and maintain the ability to deny PRC coercion and invasion;

(5) to urge Taiwan to increase its own investments in military capabilities, including those that support the implementation of an effective defense strategy;

(6) to advance and finalize key provisions of the United States-Taiwan Trade and Investment Framework Agreement and deepen economic ties between the United States and Taiwan and advance the interests of the United States by negotiating a bilateral free trade agreement as soon as possible, which will include appropriate levels of labor rights and environmental protections;

(7) to include Taiwan as a partner in the Indo-Pacific Economic Framework;

(8) to collaborate with Taiwan to strengthen health systems, reinforce critical infrastructure, promote disaster resilience, protect marine resources, and otherwise support socioeconomic development in Pacific Island countries;

(9) to promote Taiwan's meaningful participation in important international organizations, including organizations that address global health, civilian air safety, and transnational crime, and bilateral and multilateral security summits, military exercises, and economic dialogues and forums;

(10) to support the Government in Taiwan as a representative democratic government, constituted through free and fair elections that reflect the will of the people of Taiwan and promote dignity and respect for the democratically-elected leaders of Taiwan, who represent more than 23,000,000 citizens, by using the full range of diplomatic and other appropriate tools available to promote Taiwan's international space;

(11) to ensure that distinctions in practice regarding United States relations with Taiwan are consistent with the longstanding, comprehensive, strategic, and values-based relationship the United States shares with Taiwan, and contribute to the peaceful resolution of cross-Strait issues; and

(12) to create and execute a plan for enhancing our relationship with Taiwan by forming a robust partnership that—

(A) meets current geopolitical challenges;

(B) fully accounts for Taiwan's democratic status; and

(C) remains faithful to United States principles and values, consistent with the Taiwan Relations Act and the Six Assurances.

SEC. 5102. TREATMENT OF THE GOVERNMENT IN TAIWAN.

(a) IN GENERAL.—The Secretary of State and other Federal departments and agencies shall—

(1) engage with the democratically-elected government in Taiwan as the legitimate representative of the people of Taiwan; and

(2) end the outdated practice of referring to the government in Taiwan as the ''Taiwan authorities''.

(b) NO RESTRICTIONS ON BILATERAL INTERACTIONS.—Notwithstanding the continued supporting role of the American Institute in Taiwan in carrying out United States foreign policy and protecting United States interests in Taiwan, the United States Government shall not place any undue restrictions on the ability of officials of the Department of State or other Federal departments and agencies to interact directly and routinely with their counterparts in the government in Taiwan.

SEC. 5103. TAIWAN SYMBOLS OF SOVEREIGNTY.

(a) DEFINED TERM.—In this section, the term ''official purposes'' means—

(1) the wearing of official uniforms;

(2) conducting government-hosted ceremonies or functions; and

(3) appearances on Department of State social media accounts promoting engagements with Taiwan.

(b) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall rescind any contact guideline, internal restriction, section of the Foreign Affairs Manual or the Foreign Affairs Handbook, or related guidance or policies that, explicitly or implicitly, including through restrictions or limitations on activities of United States Government personnel, limits the ability of members of the armed forces of the Republic of China (Taiwan) and government representatives from the Taipei Economic and Cultural Representative Office to display, for official purposes, symbols of Republic of China sovereignty, including—

(1) the flag of the Republic of China (Taiwan); and

(2) the corresponding emblems or insignia of military units.

SEC. 5104. SENSE OF CONGRESS ON DESIGNATION AND REFERENCES TO TAIWAN REPRESENTATIVE OFFICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States, consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the Six Assurances should—

(1) provide the people of Taiwan with de facto diplomatic treatment equivalent to foreign countries, nations, states, governments, or similar entities; and

(2) seek to enter into negotiations with the Taipei Economic and Cultural Representative Office to rename the ''Taipei Economic and Cultural Representative Office'' in the United States as the ''Taiwan Representative Office''.

(b) REFERENCES.—If the negotiations referred to in subsection (a)(2) are undertaken and result in the renaming of the Taipei Economic and Cultural Representative Office as the Taiwan Representative Office, any reference in a law, map, regulation, document, paper, or other record of the United States Government to the Taipei Economic and Cultural Representative Office shall be deemed to be a reference to the Taiwan Representative Office, including for all official purposes of the United States Government, all courts of the United States, and any proceedings by such Government or in such courts.

TITLE II—IMPLEMENTATION OF AN ENHANCED DEFENSE PARTNERSHIP BETWEEN THE UNITED STATES AND TAIWAN

SEC. 5201. AMENDMENTS TO THE TAIWAN RELATIONS ACT.

(a) DECLARATION OF POLICY.—Section 2(b)(5) of the Taiwan Relations Act (22 U.S.C. 3301(b)(5)) is amended by inserting ''and arms conducive to deterring acts of aggression by the People's Liberation Army'' after ''arms of a defensive character''.

(b) PROVISION OF DEFENSE ARTICLES AND SERVICES.—Section 3(a) of the Taiwan Relations Act (22 U.S.C. 3302(a)) is amended by inserting ''and to implement a strategy to deny and deter acts of coercion or aggression by the People's Liberation Army'' after ''to maintain a sufficient self-defense capability''.

(c) RULE OF CONSTRUCTION.—Section 4 of the Taiwan Relations Act (22 U.S.C. 3303) is amended by adding at the end the following:

''(e) RULE OF CONSTRUCTION.—Nothing in this Act, nor the President's action in extending diplomatic recognition to the People's Republic of China, nor the absence of diplomatic relations between the people of Taiwan and the United States, and nor the lack of formal recognition of Taiwan by the United States, and any related circumstances, may be construed to constitute a legal or practical obstacle to any otherwise lawful action of the President or of any United States Government agency that is needed to advance or protect United States interests pertaining to Taiwan, including actions intended to strengthen security cooperation between the United States and Taiwan or to otherwise deter the use of force against Taiwan by the People's Liberation Army.''.

SEC. 5202. ANTICIPATORY PLANNING AND ANNUAL REVIEW OF THE UNITED STATES' STRATEGY TO DETER THE USE OF FORCE BY THE PEOPLE'S REPUBLIC OF CHINA TO CHANGE THE STATUS QUO OF TAIWAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 10 years, the Secretary of Defense shall—

(1) conduct a classified review of the United States strategy to deter the use of force by the People's Republic of China to change the status quo of Taiwan; and

(2) share the results of such review with the Chairman and Ranking Member of the appropriate committees of Congress.

(b) ELEMENTS.—The review conducted pursuant to subsection (a) shall include—

(1) an assessment of Taiwan's current and near-term capabilities, United States force readiness, and the adequacy of the United States' strategy to deter the use of force by the People's Republic of China to change the status quo of Taiwan;

(2) a detailed strategy of deterrence and denial to defend Taiwan against aggression by the People's Liberation Army, including an effort to seize and hold the island of Taiwan;

(3) a comprehensive assessment of risks to the United States and United States' interests, including readiness shortfalls that pose strategic risk;

(4) a review of indicators of the near-term likelihood of the use of force by the People's Liberation Army against Taiwan; and

(5) a list of military capabilities, including capabilities that enable a strategy of deterrence and denial, that—

(A) would suit the operational environment and allow Taiwan to respond effectively to a variety of contingencies across all potential phases of conflict involving the People's Liberation Army; and

(B) would reduce the threat of conflict, deter the use of force by the People's Republic of China, thwart an invasion, and mitigate other risks to the United States and Taiwan.

SEC. 5203. JOINT ASSESSMENT.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Defense, shall establish and maintain a joint consultative mechanism with Taiwan that convenes on a recurring basis—

(1) to develop a joint assessment of, and coordinate planning with respect to, the threats Taiwan faces from the People's Republic of China across the spectrum of possible military action; and

(2) to identify nonmaterial and material solutions to deter and, if necessary, defeat such threats.

(b) INTEGRATED PRIORITIES LIST.—In carrying out subsection (a), the Secretary of Defense, in consultation with the Secretary of State, shall develop with Taiwan—

(1) an integrated priorities list;

(2) relevant plans for acquisition and training for relevant nonmaterial and material solutions; and

(3) other measures to appropriately prioritize the defense needs of Taiwan to maintain effective deterrence across the spectrum of possible military action by the People's Republic of China.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of Defense, in consultation with the Secretary of State, shall submit a report to the appropriate committees of Congress that describes the joint assessment developed pursuant to subsection (a)(1).

SEC. 5204. MODERNIZING TAIWAN'S SECURITY CAPABILITIES TO DETER AND, IF NECESSARY, DEFEAT AGGRESSION BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) TAIWAN SECURITY PROGRAMS.—The Secretary of State, in consultation with the Secretary of Defense, shall use the authorities under this section to strengthen the United States-Taiwan defense relationship, and to support the acceleration of the modernization of Taiwan's defense capabilities.

(b) ANNUAL REPORT ON ADVANCING THE DEFENSE OF TAIWAN.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—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) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 7 years, the Secretary of State and the Secretary of Defense shall jointly submit a report to the appropriate congressional committees that describes steps taken to enhance the United States-Taiwan defense relationship and Taiwan's modernization of its-defense capabilities.

(3) MATTERS TO BE INCLUDED.—Each report required under paragraph (2) shall include—

(A) an assessment of the commitment of Taiwan to implement a military strategy that will deter and, if necessary, defeat military aggression by the People's Republic of China, including the steps that Taiwan has taken and the steps that Taiwan has not taken towards such implementation;

(B) an assessment of the efforts of Taiwan to acquire and employ within its forces counterintervention capabilities, including—

(i) long-range precision fires;

(ii) integrated air and missile defense systems;

(iii) anti-ship cruise missiles;

(iv) land-attack cruise missiles;

(v) coastal defense;

(vi) anti-armor;

(vii) undersea warfare;

(viii) survivable swarming maritime assets;

(ix) manned and unmanned aerial systems;

(x) mining and countermining capabilities;

(xi) intelligence, surveillance, and reconnaissance capabilities;

(xii) command and control systems; and

(xiii) any other defense capabilities that the United States and Taiwan jointly determine are crucial to the defense of Taiwan, in accordance with the process developed pursuant to section 5203(a);

(C) an evaluation of the balance between conventional and counter intervention capabilities in the defense force of Taiwan as of the date on which the report is submitted;

(D) an assessment of steps taken by Taiwan to enhance the overall readiness of its defense forces, including—

(i) the extent to which Taiwan is requiring and providing regular and relevant training to such forces;

(ii) the extent to which such training is realistic to the security environment that Taiwan faces; and

(iii) the sufficiency of the financial and budgetary resources Taiwan is putting toward readiness of such forces;

(E) an assessment of steps taken by Taiwan to ensure that the Taiwan Reserve Command can recruit, train, and equip its forces;

(F) an evaluation of—

(i) the severity of manpower shortages in the military of Taiwan, including in the reserve forces;

(ii) the impact of such shortages in the event of a conflict scenario; and

(iii) the efforts made by the government in Taiwan to address such shortages;

(G) an assessment of the efforts made by Taiwan to boost its civilian defenses, including any informational campaigns to raise awareness among the population of Taiwan of the risks Taiwan faces;

(H) an assessment of the efforts made by Taiwan to secure its critical infrastructure, including in transportation, telecommunications networks, and energy;

(I) an assessment of the efforts made by Taiwan to enhance its cybersecurity, including the security of civilian government and military networks;

(J) an assessment of any significant gaps in any of the matters described in subparagraphs (A) through (I) with respect to which the United States assesses that additional action is needed;

(K) a description of cooperative efforts between the United States and Taiwan on the matters described in subparagraphs (A) through (J); and

(L) a description of any resistance within the government in Taiwan and the military leadership of Taiwan to—

(i) implementing the matters described in subparagraphs (A) through (I); or

(ii) United States' support or engagement with regard to such matters.

(4) FORM.—The report required under paragraph (2) shall be submitted in classified form, but shall include a detailed unclassified summary.

(5) SHARING OF SUMMARY.—The Secretary of State and the Secretary of Defense shall jointly share the unclassified summary required under paragraph (4) with the government and military of Taiwan.

(c) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of State, in consultation with the Secretary of Defense, shall use amounts authorized pursuant to subsection (i) to provide assistance to the government in Taiwan to achieve the purpose described in subsection (d).

(d) PURPOSE.—In addition to the purposes otherwise authorized for Foreign Military Financing programs under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the purpose of the Foreign Military Financing Program shall be to provide assistance, including equipment, training, and other support, to enable the Government and military of Taiwan—

(1) to accelerate the modernization of defense capabilities that will enable Taiwan to delay, degrade, and deny attempts by People's Liberation Army forces—

(A) to conduct coercive or grey zone activities;

(B) to achieve maritime control over the Taiwan Strait and adjoining seas;

(C) to secure a lodgment on any Taiwanese islands and expand or otherwise use such lodgment to seize control of a population center or other key territory in Taiwan; and

(2) to prevent the People's Republic of China from decapitating, seizing control of, or otherwise neutralizing or rendering ineffective the government in Taiwan.

(e) REGIONAL CONTINGENCY STOCKPILE.—Of the amounts authorized to be appropriated pursuant to subsection (i), not more than $100,000,000 may be used during each of the fiscal years 2023 through 2032 to maintain a stockpile (if established under section 5211), in accordance with section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), as amended by section 5211.

(f) AVAILABILITY OF FUNDS.—

(1) ANNUAL SPENDING PLAN.—Not later than December 1, 2022, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, shall submit a plan to the appropriate committees of Congress

describing how amounts authorized to be appropriated pursuant to subsection (i) will be used to achieve the purpose described in subsection (d).

(2) CERTIFICATION.—Amounts authorized to be appropriated for each fiscal year pursuant to subsection (i) shall be made available for the purpose described in such subsection after the Secretary of State certifies to the appropriate committees of Congress that Taiwan has increased its defense spending relative to Taiwan's defense spending in its prior fiscal year, excepting accounts in Taiwan's defense budget related to personnel expenditures, (other than military training and education and any funding related to the All-Out Defense Mobilization Agency).

(3) REMAINING FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts authorized to be appropriated for a fiscal year pursuant to subsection (i) that are not obligated and expended during such fiscal year shall be added to the amount that may be used for Foreign Military Financing to Taiwan in the subsequent fiscal year.

(B) RESCISSION.—Amounts appropriated pursuant to subsection (i) that remain unobligated on September 30, 2027 shall be rescinded and deposited into the general fund of the Treasury.

(g) DEFENSE ARTICLES AND SERVICES FROM THE UNITED STATES INVENTORY AND OTHER SOURCES.—

(1) IN GENERAL.—In addition to assistance provided pursuant to subsection (c), the Secretary of State, in coordination with the Secretary of Defense, may make available to the government in Taiwan, in such quantities as the Secretary of State considers appropriate for the purpose described in subsection (d)—

(A) weapons and other defense articles from the United States inventory and other sources; and

(B) defense services.

(2) REPLACEMENT.—The Secretary of State may use amounts authorized to be appropriated pursuant to subsection (i) for the cost of replacing any item provided to the government in Taiwan pursuant to paragraph (1)(A).

(h) FOREIGN MILITARY FINANCING LOAN AND LOAN GUARANTEE AUTHORITY.—

(1) DIRECT LOANS.—

(A) IN GENERAL.—Notwithstanding section 23(c)(1) of the Arms Export Control Act (22 U.S.C. 2763), during fiscal years 2023 through 2027, the Secretary of State may make direct loans available for Taiwan pursuant to section 23 of such Act.

(B) MAXIMUM OBLIGATIONS.—Gross obligations for the principal amounts of loans authorized under subparagraph (A) may not exceed $2,000,000,000.

(C) SOURCE OF FUNDS.—

(i) DEFINED TERM.—In this subparagraph, the term ''cost''—

(I) has the meaning given such term in section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5));

(II) shall include the cost of modifying a loan authorized under subparagraph (A); and

(III) may include the costs of selling, reducing, or cancelling any amounts owed to the United States or to any agency of the United States.

(ii) IN GENERAL.—Amounts authorized to be appropriated pursuant to subsection (i) may be made available to pay for the cost of loans authorized under subparagraph (A).

(D) FEES AUTHORIZED.—

(i) IN GENERAL.—The Government of the United States may charge fees for loans made pursuant to subparagraph (A), which shall be collected from borrowers through a financing account (as defined in section 502(7) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(7)).

(ii) LIMITATION ON FEE PAYMENTS.—Amounts made available under any appropriations Act for any fiscal year may not be used to pay any fees associated with a loan authorized under subparagraph (A).

(E) REPAYMENT.—Loans made pursuant to subparagraph (A) shall be repaid not later than 12 years after the loan is received by the borrower, including a grace period of not more than 1 year on repayment of principal.

(F) INTEREST.—

(i) IN GENERAL.—Notwithstanding section 23(c)(1) of the Arms Export Control Act (22 U.S.C. 2763(c)(1), interest for loans made pursuant to subparagraph (A) may be charged at a rate determined by the Secretary of State, except that such rate may not be less than the prevailing interest rate on marketable Treasury securities of similar maturity.

(ii) TREATMENT OF LOAN AMOUNTS USED TO PAY INTEREST.—Amounts made available under this paragraph for interest costs shall not be considered assistance for the purposes of any statutory limitation on assistance to a country.

(2) LOAN GUARANTEES.—

(A) IN GENERAL.—Amounts authorized to be appropriated pursuant to subsection (i) may be made available for the costs of loan guarantees for Taiwan under section 24 of the Arms Export Control Act (22 U.S.C. 2764) for Taiwan to subsidize gross obligations for the principal amount of commercial loans and total loan principal, any part of which may be guaranteed, not to exceed $2,000,000,000.

(B) MAXIMUM AMOUNTS.—A loan guarantee authorized under subparagraph (A)—

(i) may not guarantee a loan that exceeds $2,000,000,000; and

(ii) may not exceed 80 percent of the loan principal with respect to any single borrower.

(C) SUBORDINATION.—Any loan guaranteed pursuant to subparagraph (A) may not be subordinated to—

(i) another debt contracted by the borrower; or

(ii) any other claims against the borrower in the case of default.

(D) REPAYMENT.—Repayment in United States dollars of any loan guaranteed under this paragraph shall be required not later than 12 years after the loan agreement is signed.

(E) FEES.—Notwithstanding section 24 of the Arms Export Control Act (22 U.S.C. 2764), the Government of the United States may charge fees for loan guarantees authorized under subparagraph (A), which shall be collected from borrowers, or from third parties on behalf of such borrowers, through a financing account (as defined in section 502(7) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(7)).

(F) TREATMENTS OF LOAN GUARANTEES.—Amounts made available under this paragraph for the costs of loan guarantees authorized under subparagraph (A) shall not be considered assistance for the purposes of any statutory limitation on assistance to a country.

(3) NOTIFICATION REQUIREMENT.—Amounts appropriated to carry out this subsection may not be expended without prior notification of the appropriate committees of Congress.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for Foreign Military Financing, there is authorized to be appropriated to the Department of State for Taiwan Foreign Military Finance grant assistance—

(A) $250,000,000 for fiscal year 2023;

(B) $750,000,000 for fiscal year 2024;

(C) $1,500,000,000 for fiscal year 2025;

(D) $2,000,000,000 for fiscal year 2026; and

(E) $2,000,000,000 for fiscal year 2027.

(2) TRAINING AND EDUCATION.—Of the amounts authorized to be appropriated under paragraph (1), the Secretary of State shall use not less than $2,000,000 per fiscal year for 1 or more blanket order Foreign Military Financing training programs related to the defense needs of Taiwan.

(j) SUNSET PROVISION.—Assistance may not be provided under this section after September 30, 2032.

SEC. 5205. REQUIREMENTS REGARDING DEFINITION OF COUNTER INTERVENTION CAPABILITIES.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to ensure that requests by Taiwan to purchase arms from the United States are not prematurely rejected or dismissed before Taiwan submits a letter of request or other formal documentation, particularly when such requests are for capabilities that are not included on any United States Government priority lists of necessary capabilities for the defense of Taiwan; and

(2) to ensure close consultation among representatives of Taiwan, Congress, industry, and the Executive branch about requests referred to in paragraph (1) and the needs of Taiwan before Taiwan submits formal requests for such purchases.

(b) REPORTING REQUIREMENT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall jointly submit to the appropriate committees of Congress—

(1) a list of categories of counter intervention capabilities and a justification for each such category; and

(2) a description of the degree to which the United States has a policy of openness or flexibility for the consideration of capabilities that may not fall within the scope of counter intervention capabilities included in the list required under paragraph (1), due to potential changes, such as—

(A) the evolution of defense technologies;

(B) the identification of new concepts of operation or ways to employ certain capabilities; and

(C) other factors that might change assessments by the United States and Taiwan of what constitutes counter intervention capabilities.

(c) FORM.—The report required in this section shall be submitted in classified form.

SEC. 5206. COMPREHENSIVE TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary of State and the Secretary of Defense shall establish or expand a comprehensive training program with Taiwan designed to—

(1) achieve interoperability;

(2) familiarize the militaries of the United States and Taiwan with each other; and

(3) improve Taiwan's defense capabilities.

(b) ELEMENTS.—The training program should prioritize relevant and realistic training, including as necessary joint United States-Taiwan contingency tabletop exercises, war games, full-scale military exercises, and an enduring rotational United States military presence that assists Taiwan in maintaining force readiness and utilizing United States defense articles and services transferred from the United States to Taiwan.

(c) ANNUAL REPORT.—Not later than 90 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 Secretary of Defense, shall submit to the appropriate committees of Congress a classified report that describes all training provided to the armed forces of Taiwan in the prior fiscal year, including a description of how such training—

(1) achieved greater interoperability;

(2) familiarized the militaries of the United States and Taiwan with each other; and

(3) improved Taiwan's defense capabilities.

SEC. 5207. ASSESSMENT OF TAIWAN'S NEEDS FOR CIVILIAN DEFENSE AND RESILIENCE.

(a) ASSESSMENT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Secretary of State and the Secretary of Defense, in coordination with the Director of National Intelligence and other cabinet Secretaries, as appropriate, shall submit a written assessment, with a classified annex, of Taiwan's needs in the areas of civilian defense and resilience to the appropriate committees of Congress, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall—

(1) analyze the potential role of Taiwan's public and civilian assets in defending against various scenarios for foreign militaries to coerce or conduct military aggression against Taiwan;

(2) carefully analyze Taiwan's needs for enhancing its defensive capabilities through the support of civilians and civilian sectors, including—

(A) greater utilization of Taiwan's high tech labor force;

(B) the creation of clear structures and logistics support for civilian defense role allocation;

(C) recruitment and skills training for Taiwan's defense and civilian sectors;

(D) strategic stockpiling of resources related to critical food security and medical supplies; and

(E) other defense and resilience needs and considerations at the provincial, city, and neighborhood levels;

(3) analyze Taiwan's needs for enhancing resiliency among its people and in key economic sectors;

(4) identify opportunities for Taiwan to enhance communications at all levels to strengthen trust and understanding between the military, other government departments, civilian agencies and the general public, including—

(A) communications infrastructure necessary to ensure reliable communications in response to a conflict or crisis; and

(B) a plan to effectively communicate to the general public in response to a conflict or crisis; and

(5) identify the areas and means through which the United States could provide training, exercises, and assistance at all levels to support the needs discovered through the assessment and fill any critical gaps where capacity falls short of such needs.

(c) FORM OF REPORT.—Notwithstanding the classified nature of the assessment required under subsection (a), the assessment shall be shared with appropriate officials of the government in Taiwan to facilitate cooperation.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to complete the assessment required under subsection (a) —

(A) $500,000 for the Department of State; and

(B) $500,000 for the Department of Defense.

(2) TRANSFER AUTHORITY.—The Secretary of State and the Secretary of Defense are authorized to transfer any funds appropriated to their respective departments pursuant to paragraph (1) to the Director of National Intelligence for the purposes of facilitating the contributions of the intelligence community to the assessment required under subsection (a).

SEC. 5208. PRIORITIZING EXCESS DEFENSE ARTICLE TRANSFERS FOR TAIWAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should appropriately prioritize the review of excess defense article transfers to Taiwan.

(b) FIVE-YEAR PLAN.—Not later than 90 days after the date of the enactment of this Act, the President shall—

(1) develop a 5-year plan to appropriately prioritize excess defense article transfers to Taiwan; and

(2) submit a report to the appropriate committees of Congress that describes such plan.

(c) REQUIRED COORDINATION.—The United States Government shall coordinate and align excess defense article transfers with capacity building efforts of Taiwan.

(d) TRANSFER AUTHORITY.—

(1) IN GENERAL.—Section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)) is amended by striking ''and to the Philippines'' and inserting '', to the Philippines, and to Taiwan''.

(2) TREATMENT OF TAIWAN.—With respect to the transfer of excess defense articles under section 516(c)(2) of the Foreign Assistance Act of 1961, as amended by paragraph (1), Taiwan shall receive the same benefits as the other countries referred to in such section.

SEC. 5209. FAST-TRACKING SALES TO TAIWAN UNDER FOREIGN MILITARY SALES PROGRAM.

(a) PRECLEARANCE OF CERTAIN FOREIGN MILITARY SALES ITEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense and in conjunction with coordinating entities such as the National Disclosure Policy Committee and the Arms Transfer and Technology Release Senior Steering Group, shall compile a list of available and emerging military platforms, technologies, and equipment that are pre-cleared and prioritized for sale and release to Taiwan through the Foreign Military Sales program.

(2) SELECTION OF ITEMS.—

(A) IN GENERAL.—The items pre-cleared for sale pursuant to paragraph (1) shall represent a full range of capabilities required to implement a strategy of denial informed by United States readiness and risk assessments and determined by Taiwan to be required for various wartime scenarios and peacetime duties.

(B) RULE OF CONSTRUCTION.—The list compiled pursuant to paragraph (1) shall not be construed as limiting the type, timing, or quantity of items that may be requested by, or sold to, Taiwan under the Foreign Military Sales program.

(C) RULE OF CONSTRUCTION.—Nothing in this division shall be construed to supersede congressional notification requirements as required by the Arms Export Control Act (22 U.S.C. 2751 et. seq.) or any informal tiered review process for congressional notifications pertaining to Foreign Military Sales.

(b) PRIORITIZED PROCESSING OF FOREIGN MILITARY SALES REQUESTS FROM TAIWAN.—

(1) REQUIREMENT.—The Secretary of State and the Secretary of Defense shall prioritize and expedite the processing of requests from Taiwan under the Foreign Military Sales program, and may not delay the processing of requests for bundling purposes.

(2) DURATION.—The requirement under paragraph (1) shall continue until the Secretary of State determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the threat to Taiwan has significantly abated.

(c) PRIORITY PRODUCTION.—

(1) IN GENERAL.—Contractors awarded Department of Defense contracts to provide items for sale to Taiwan under the Foreign Military Sales program should expedite and prioritize the production of such items above the production of other items.

(2) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 10 years, the Secretary of State and the Secretary of Defense shall jointly submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives a report describing what actions the Department of State and the Department of Defense have taken or are planning to take to prioritize Taiwan's Foreign Military Sales cases, and current procedures or mechanisms for determining that a Foreign Military Sales case for Taiwan should be prioritized above a sale to another country of the same or similar item.

(d) INTERAGENCY POLICY.—The Secretary of State and the Secretary of Defense shall jointly review and update interagency policies and implementation guidance related to Foreign Military Sales requests from Taiwan, including incorporating the preclearance provisions of this section.

SEC. 5210. WHOLE-OF-GOVERNMENT DETERRENCE MEASURES TO RESPOND TO THE PEOPLE'S REPUBLIC OF CHINA'S FORCE AGAINST TAIWAN.

(a) WHOLE-OF-GOVERNMENT REVIEW.—Not later than 14 days after the date of the enactment of this Act, the President shall convene the heads of all relevant Federal departments and agencies to conduct a whole-of-government review of all available economic, diplomatic, and other strategic measures to deter the use of force by the People's Republic of China to change the status quo of Taiwan.

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of Commerce, the Director of National Intelligence, and any other relevant heads of Federal departments and agencies shall provide a detailed briefing to the appropriate committees of Congress regarding—

(1) all available economic, diplomatic, and other strategic measures to deter the use of force by the People's Republic of China, including coercion, grey-zone tactics, assertions, shows of force, quarantines, embargoes, or other measures to change the status quo of Taiwan;

(2) efforts by the United States Government to deter the use of force by the People's Republic of China to change the status quo of Taiwan; and

(3) progress to date of all coordination efforts between the United States Government and its allies and partners with respect to deterring the use of force to change the status quo of Taiwan.

(c) COORDINATED CONSEQUENCES WITH ALLIES AND PARTNERS.—The Secretary of State shall—

(1) coordinate with United States allies and partners to identify and develop significant economic, diplomatic, and other measures to deter the use of force by the People's Republic of China to change the status quo of Taiwan; and

(2) announce, in advance, the severe consequences that would take effect immediately after the People's Republic of China engaged in any such use of force.

(d) ASSIGNMENTS FOR DEFENSE ATTACHÉS.—The Secretary of State shall work with the Secretary of Defense to post resident Defense attachés in the Indo-Pacific region, particularly in locations where the People's Republic of China has a resident military attaché

and the United States does not have a comparable position.

(e) CLASSIFIED BRIEFINGS.—The briefings required under this section shall take place in a classified setting.

SEC. 5211. INCREASE IN ANNUAL REGIONAL CONTINGENCY STOCKPILE ADDITIONS AND SUPPORT FOR TAIWAN.

(a) IN GENERAL.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(b)(2)(A)) is amended by striking ''$200,000,000'' and all that follows and inserting ''$500,000,000 for any of the fiscal years 2023, 2024, or 2025.''.

(b) ESTABLISHMENT.—Subject to section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may establish a regional contingency stockpile for Taiwan that consists primarily of munitions.

(c) INCLUSION OF TAIWAN AMONG OTHER ALLIES ELIGIBLE FOR DEFENSE ARTICLES.—Chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) is amended—

(1) in section 514(c)(2) (22 U.S.C. 2321h(c)(2)), by inserting ''Taiwan,'' after ''Thailand,''; and

(2) in section 516(c)(2) (22 U.S.C. 2321j(c)(2)), by inserting ''to Taiwan,'' after ''major non-NATO allies on such southern and southeastern flank,''.

(d) ANNUAL BRIEFING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 7 years, the President shall provide a briefing to the appropriate committees of Congress regarding the status of a regional contingency stockpile established under subsection (b).

SEC. 5212. TREATMENT OF TAIWAN AS A MAJOR NON-NATO ALLY.

Notwithstanding any other provision of law, Taiwan shall be treated as though it were designated a major non-NATO ally, as defined in section 644(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(q) et seq.), for the purposes of the transfer or possible transfer of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), section 2350a of title 10, United States Code, the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other provision of law.

SEC. 5213. USE OF PRESIDENTIAL DRAWDOWN AUTHORITY TO PROVIDE SECURITY ASSISTANCE TO TAIWAN.

It is the sense of Congress that the President should use the presidential drawdown authority under sections 506(a) and 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a) and 2348a(c)) to provide security assistance and other necessary commodities and services to Taiwan in support of Taiwan's self-defense.

SEC. 5214. INTERNATIONAL MILITARY EDUCATION AND TRAINING COOPERATION WITH TAIWAN.

(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 promotes improved capabilities of the military forces of allied and friendly countries and closer cooperation between the United States Armed Forces and such military forces;

(2) it is in the national interest of the United States and consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) to further strengthen the military forces of Taiwan, particularly—

(A) to enhance the defensive capabilities of such forces; and

(B) to improve interoperability of such forces with the United States Armed Forces; and

(3) the government in Taiwan—

(A) should be authorized to participate in the International Military Education and Training program; and

(B) should encourage eligible officers and civilian leaders of Taiwan to participate in such training program and promote successful graduates to positions of prominence in the military forces of Taiwan.

(b) AUTHORIZATION OF PARTICIPATION OF TAIWAN IN THE INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM.—Taiwan is authorized to participate in the International Military Education and Training program for the following purposes:

(1) To train future leaders of Taiwan.

(2) To establish a rapport between the United States Armed Forces and the military forces of Taiwan to build partnerships for the future.

(3) To enhance interoperability and capabilities for joint operations between the United States and Taiwan.

(4) To promote professional military education, civilian control of the military, and protection of human rights in Taiwan.

(5) To foster a better understanding of the United States among individuals in Taiwan.

SEC. 5215. EXPEDITING DELIVERY OF ARMS EXPORTS TO TAIWAN AND UNITED STATES ALLIES IN THE INDO-PACIFIC.

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

(1) prioritizing the defense needs of United States allies and partners in the Indo-Pacific is a national security priority; and

(2) sustained support to key Indo-Pacific partners for interoperable defense systems is critical to preserve—

(A) the safety and security of American persons;

(B) the free flow of commerce through international trade routes;

(C) the United States commitment to collective security agreements, territorial integrity, and recognized maritime boundaries;

(D) United States values regarding democracy and commitment to maintaining a free and open Indo-Pacific; and

(E) Taiwan's defense capability.

(b) REPORT REQUIRED.—Not later than March 1, 2023, and annually thereafter for a period of five years, the Secretary of State, with the concurrence of the Secretary of Defense, shall transmit to the appropriate committees of Congress a report with respect to the transfer of all defense articles or defense services that have yet to be completed pursuant to the authorities provided by—

(1) section 3, 21, or 36 of the Arms Export Control Act (22 U.S.C. 2753, 2761, or 2776); or

(2) section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

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

(1) A list of all approved transfers of defense articles and services authorized by Congress pursuant to sections 25 and 36 of the Arms Export Control Act (22 U.S.C. 2765, 2776) with a total value of $25,000,000 or more, to Taiwan, Japan, South Korea, Australia, or New Zealand, that have not been fully delivered by the start of the fiscal year in which the report is being submitted.

(2) The estimated start and end dates of delivery for each approved and incomplete transfer listed pursuant to paragraph (1), including additional details and dates for any transfers that involve multiple tranches of deliveries.

(3) With respect to each approved and incomplete transfer listed pursuant to paragraph (1), a detailed description of—

(A) any changes in the delivery dates of defense articles or services relative to the dates anticipated at the time of congressional approval of the transfer, including specific reasons for any delays related to the United States Government, defense suppliers, or a foreign partner;

(B) the feasibility and advisability of providing the partner subject to such delayed delivery with an interim capability or solution, including drawing from United States stocks, and the mechanisms under consideration for doing so as well as any challenges to implementing such a capability or solution;

(C) authorities, appropriations, or waiver requests that Congress could provide to improve delivery timelines or authorize the provision of interim capabilities or solutions identified pursuant to subparagraph (B); and

(D) a description of which countries are ahead of Taiwan for delivery of each item listed pursuant to paragraph (1).

(4) A description of ongoing interagency efforts to support attainment of operational capability of the corresponding defense articles and services once delivered, including advance training with United States or armed forces of partner countries on the systems to be received. The description of any such training shall also include an identification of the training implementer.

(5) If a transfer listed pursuant to paragraph (1) has been terminated prior to the date of the submission of the report for any reason—

(A) the case information for such transfer, including the date of congressional notification, delivery date of the Letter of Offer and Acceptance (LOA), final signature of the LOA, and information pertaining to delays in delivering LOAs for signature;

(B) a description of the reasons for which the transfer is no longer in effect; and

(C) the impact this termination will have on the intended end-user and the consequent implications for regional security, including the impact on deterrence of military action by countries hostile to the United States, the military balance in the Taiwan Strait, and other factors.

(6) A separate description of the actions the United States is taking to expedite deliveries of defense articles and services to Taiwan, including in particular, whether the United States intends to divert defense articles from United States stocks to provide an interim capability or solution with respect to any delayed deliveries to Taiwan and the plan, if applicable, to replenish any such diverted stocks.

(7) A description of other potential actions already undertaken by or currently under consideration by the Department of State and the Department of Defense to improve delivery timelines for the transfers listed pursuant to paragraph (1).

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

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

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

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

TITLE III—COUNTERING PEOPLE'S REPUBLIC OF CHINA'S COERCION AND INFLUENCE CAMPAIGNS

SEC. 5301. STRATEGY TO RESPOND TO INFLUENCE AND INFORMATION OPERATIONS TARGETING TAIWAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for the following 5 years, the Secretary of State shall develop and implement a strategy to respond to—

(1) covert, coercive, and corrupting activities carried out to advance the Chinese Communist Party's ''United Front'' work, including activities directed, coordinated, or otherwise supported by the United Front Work

Department or its subordinate or affiliated entities; and

(2) information and disinformation campaigns, cyber attacks, and nontraditional propaganda measures supported by the Government of the People's Republic of China and the Chinese Communist Party that are directed toward persons or entities in Taiwan.

(b) ELEMENTS.—The strategy required under subsection (a) shall include descriptions of—

(1) the proposed response to propaganda and disinformation campaigns by the People's Republic of China and cyber-intrusions targeting Taiwan, including—

(A) assistance in building the capacity of the government in Taiwan and private-sector entities to document and expose propaganda and disinformation supported by the Government of the People's Republic of China, the Chinese Communist Party, or affiliated entities;

(B) assistance to enhance the government in Taiwan's ability to develop a whole-of-government strategy to respond to sharp power operations, including election interference; and

(C) media training for Taiwan officials and other Taiwan entities targeted by disinformation campaigns;

(2) the proposed response to political influence operations that includes an assessment of the extent of influence exerted by the Government of the People's Republic of China and the Chinese Communist Party in Taiwan on local political parties, financial institutions, media organizations, and other entities;

(3) support for exchanges and other technical assistance to strengthen the Taiwan legal system's ability to respond to sharp power operations;

(4) the establishment of a coordinated partnership, through the American Institute in Taiwan's Global Cooperation and Training Framework, with like-minded governments to share data and best practices with the government in Taiwan regarding ways to address sharp power operations supported by the Government of the People's Republic of China and the Chinese Communist Party; and

(5) programs carried out by the Global Engagement Center to expose misinformation and disinformation in the Chinese Communist Party's propaganda.

SEC. 5302. STRATEGY TO COUNTER ECONOMIC COERCION BY THE PEOPLE'S REPUBLIC OF CHINA TARGETING COUNTRIES AND ENTITIES THAT SUPPORT TAIWAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter for the following 5 years, the Secretary of State shall submit to the appropriate committees of Congress a description of the strategy being used by the Department of State to respond to the Government of the People's Republic of China's increased economic coercion against countries which have strengthened their ties with, or support for, Taiwan.

(b) ASSISTANCE FOR COUNTRIES AND ENTITIES TARGETED BY THE PEOPLE'S REPUBLIC OF CHINA FOR ECONOMIC COERCION.—The Department of State, the United States Agency for International Development, the United States International Development Finance Corporation, the Department of Commerce and the Department of the Treasury shall provide appropriate assistance to countries and entities that are subject to coercive economic practices by the People's Republic of China.

SEC. 5303. CHINA CENSORSHIP MONITOR AND ACTION GROUP.

(a) DEFINITIONS.—In this section:

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

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

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

(2) QUALIFIED RESEARCH ENTITY.—The term ''qualified research entity'' means an entity that—

(A) is a nonpartisan research organization or a Federally funded research and development center;

(B) has appropriate expertise and analytical capability to write the report required under subsection (c); and

(C) is free from any financial, commercial, or other entanglements, which could undermine the independence of such report or create a conflict of interest or the appearance of a conflict of interest, with—

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

(ii) the Chinese Communist Party;

(iii) any company incorporated in the People's Republic of China or a subsidiary of such company; or

(iv) any company or entity incorporated outside of the People's Republic of China that is believed to have a substantial financial or commercial interest in the People's Republic of China.

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

(b) CHINA CENSORSHIP MONITOR AND ACTION GROUP.—

(1) IN GENERAL.—The President shall establish an interagency task force, which shall be known as the ''China Censorship Monitor and Action Group'' (referred to in this subsection as the ''Task Force'').

(2) MEMBERSHIP.—The President shall take the following actions with respect to the membership of, and participation in, the Task Force:

(A) Appoint the chair of the Task Force from among the staff of the National Security Council.

(B) Appoint the vice chair of the Task Force from among the staff of the National Economic Council.

(C) Direct the head of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(vii) The Federal Communications Commission.

(viii) The United States Agency for Global Media.

(ix) Other agencies designated by the President.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) oversee the development and execution of an integrated Federal Government strategy to monitor and address the impacts of efforts directed, or directly supported, by the Government of the People's Republic of China to censor or intimidate, in the United States or in any of its possessions or territories, any United States person, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech; and

(B) submit the strategy developed pursuant to subparagraph (A) to the appropriate congressional committees not later than 120 days after the date of the enactment of this Act.

(4) MEETINGS.—The Task Force shall meet not less frequently than twice per year.

(5) CONSULTATIONS.—The Task Force should regularly consult, to the extent necessary and appropriate, with—

(A) Federal agencies that are not represented on the Task Force;

(B) independent agencies of the United States Government that are not represented on the Task Force;

(C) relevant stakeholders in the private sector and the media; and

(D) relevant stakeholders among United States allies and partners facing similar challenges related to censorship or intimidation by the Government of the People's Republic of China.

(6) REPORTING REQUIREMENTS.—

(A) ANNUAL REPORT.—The Task Force shall submit an annual report to the appropriate congressional committees that describes, with respect to the reporting period—

(i) the strategic objectives and policies pursued by the Task Force to address the challenges of censorship and intimidation of United States persons while in the United States or any of its possessions or territories, which is directed or directly supported by the Government of the People's Republic of China;

(ii) the activities conducted by the Task Force in support of the strategic objectives and policies referred to in clause (i); and

(iii) the results of the activities referred to in clause (ii) and the impact of such activities on the national interests of the United States.

(B) FORM OF REPORT.—Each report submitted pursuant to subparagraph (A) shall be unclassified, but may include a classified annex.

(C) CONGRESSIONAL BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Task Force shall provide briefings to the appropriate congressional committees regarding the activities of the Task Force to execute the strategy developed pursuant to paragraph (3)(A).

(c) REPORT ON CENSORSHIP AND INTIMIDATION OF UNITED STATES PERSONS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall select and seek to enter into an agreement with a qualified research entity that is independent of the Department of State to write a report on censorship and intimidation in the United States and its possessions and territories of United States persons, including United States companies that conduct business in the People's Republic of China, which is directed or directly supported by the Government of the People's Republic of China.

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

(i) assess major trends, patterns, and methods of the Government of the People's Republic of China's efforts to direct or directly support censorship and intimidation of United States persons, including United States companies that conduct business in the People's Republic of China, which are exercising their right to freedom of speech;

(ii) assess, including through the use of illustrative examples, as appropriate, the impact on and consequences for United States persons, including United States companies that conduct business in the People's Republic of China, that criticize—

(I) the Chinese Communist Party;

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

(III) the authoritarian model of government of the People's Republic of China; or

(IV) a particular policy advanced by the Chinese Communist Party or the Government of the People's Republic of China;

(iii) identify the implications for the United States of the matters described in clauses (i) and (ii);

(iv) assess the methods and evaluate the efficacy of the efforts by the Government of the People's Republic of China to limit freedom of expression in the private sector, including media, social media, film, education, travel, financial services, sports and entertainment, technology, telecommunication, and internet infrastructure interests;

(v) include policy recommendations for the United States Government, including recommendations regarding collaboration with United States allies and partners, to address censorship and intimidation by the Government of the People's Republic of China; and

(vi) include policy recommendations for United States persons, including United States companies that conduct business in China, to address censorship and intimidation by the Government of the People's Republic of China.

(C) APPLICABILITY TO UNITED STATES ALLIES AND PARTNERS.—To the extent practicable, the report required under subparagraph (A) should identify implications and policy recommendations that are relevant to United States allies and partners facing censorship and intimidation directed or directly supported by the Government of the People's Republic of China.

(2) SUBMISSION OF REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit the report written by the qualified research entity selected pursuant to paragraph (1)(A) to the appropriate congressional committees.

(B) PUBLICATION.—The report referred to in subparagraph (A) shall be made accessible to the public online through relevant United States Government websites.

TITLE IV—INCLUSION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS

SEC. 5401. PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote Taiwan's inclusion and meaningful participation in international organizations.

(b) SUPPORT FOR MEANINGFUL PARTICIPATION.—The Permanent Representative of the United States to the United Nations and other relevant United States officials shall actively support Taiwan's meaningful participation in all appropriate international organizations.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that—

(1) describes the People's Republic of China's efforts at the United Nations and other international bodies to block Taiwan's meaningful participation and inclusion; and

(2) recommends appropriate responses that should be taken by the United States to carry out the policy described in subsection (a).

SEC. 5402. PARTICIPATION OF TAIWAN IN THE INTER-AMERICAN DEVELOPMENT BANK.

It is the sense of Congress that—

(1) the United States fully supports Taiwan's participation in, and contribution to, international organizations and underscores the importance of the relationship between Taiwan and the United States;

(2) diversifying the donor base of the Inter-American Development Bank (referred to in this title as the ''IDB'') and increasing allied engagement in the Western Hemisphere reinforces United States national interests;

(3) Taiwan's significant contribution to the development and economies of Latin America and the Caribbean demonstrate that Taiwan's membership in the IDB as a non-borrowing member would benefit the IDB and the entire Latin American and Caribbean region; and

(4) non-borrowing membership in the IDB would allow Taiwan to substantially leverage and channel the immense resources Taiwan already provides to Latin America and the Caribbean to reach a larger number of beneficiaries.

SEC. 5403. PLAN FOR TAIWAN'S PARTICIPATION IN THE INTER-AMERICAN DEVELOPMENT BANK.

The Secretary of State, in coordination with the Secretary of the Treasury, is authorized—

(1) to initiate a United States plan to endorse non-borrowing IDB membership for Taiwan; and

(2) to instruct the United States Governor of the IDB to work with the IDB Board of Governors to admit Taiwan as a non-borrowing member of the IDB.

SEC. 5404. REPORT CONCERNING MEMBER STATE STATUS FOR TAIWAN AT THE INTER-AMERICAN DEVELOPMENT BANK.

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 5 years, the Secretary of State, in coordination with the Secretary of the Treasury, 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 endorse and obtain non-borrowing membership status for Taiwan at the IDB;

(2) includes an account of the efforts made by the Secretary of State and the Secretary of the Treasury to encourage IDB member states to promote Taiwan's bid to obtain non-borrowing membership at the IDB; and

(3) identifies the steps that the Secretary of State and the Secretary of the Treasury will take to endorse and obtain non-borrowing membership status for Taiwan at the IDB in the following year.

SEC. 5405. CLARIFICATION REGARDING UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 2758 (XXVI).

Section 2(a) of the Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 (Public Law 116–135) is amended by adding at the end the following:

''(10) United Nations General Assembly Resolution 2758 (1971)—

''(A) established the representatives of the Government of the People's Republic of China as the only lawful representatives of China to the United Nations;

''(B) did not address the issue of representation and meaningful participation of Taiwan and its people in the United Nations or in any related organizations; and

''(C) did not take a position on the relationship between the People's Republic of China and Taiwan or include any statement pertaining to Taiwan's sovereignty.

''(11) The United States opposes any initiative that seeks to change Taiwan's status without the consent of the people of Taiwan.''.

SEC. 5406. 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.

TITLE V—ENHANCED DEVELOPMENT AND ECONOMIC COOPERATION BETWEEN THE UNITED STATES AND TAIWAN

SEC. 5501. FINDINGS.

Congress makes the following findings:

(1) Taiwan has been an important trading partner of the United States for many years, accounting for $114,000,000,000 in two-way trade in 2021.

(2) Taiwan has demonstrated the capacity to hold a strong economic partnership with the United States. Along with a robust trading profile of goods and services, Taiwan supports an estimated 208,000 American jobs and its cumulative investment in the United States is at least $13,700,000,000, numbers that will only increase with a comprehensive bilateral trade agreement.

(3) In addition to supplementing United States goods and services, Taiwan is a reliable partner in many United States' industries, which is not only critical for diversifying United States supply chains, but is also essential to reducing the United States' reliance on other countries, such as China, who seek to leverage supply chain inefficiencies in their path to regional and global dominance. Such diversification of United States supply chains is critical to our national security.

(4) The challenges to establishing an agreement with Taiwan, such as reaching an agreement on agricultural standards, must not prevent the completion of a bilateral trade agreement. Taiwan has already taken steps to further the progress towards such an agreement by announcing its intent to lift restrictions on United States pork and beef products, which will greatly increase the accessibility of American farmers and ranchers to Taiwan markets. In light of this important development, the United States should immediately move forward with substantial negotiations for a comprehensive bilateral trade agreement with Taiwan.

(5) A free and open Indo-Pacific is a goal that needs to be actively pursued to counter China's use of unfair trading practices and other policies to advance its economic dominance in the Indo-Pacific region. An agreement with Taiwan would—

(A) help the United States accomplish this goal by building a network of like-minded governments dedicated to fair competition and open markets that are free from government manipulation; and

(B) encourage other nations to deepen economic ties with Taiwan.

(6) Since November 2020, Taiwan and the United States have engaged in the U.S.-Taiwan Economic Prosperity Partnership Dialogue, covering a broad range of economic issues including—

(A) 5G networks and telecommunications security;

(B) supply chains resiliency;

(C) infrastructure cooperation;

(D) renewable energy;

(E) global health; and

(F) science and technology.

(7) A trade agreement between the United States and Taiwan would promote security and economic growth for the United States, Taiwan, and the entire Indo-Pacific region.

(8) Excluding Taiwan from the Indo-Pacific Economic Framework would—

(A) create significant distortions in the regional and global economic architecture; and

(B) run counter to the United States' economic interests.

(9) Taiwan is the United States' largest trading partner with whom we do not have an income tax treaty or agreement. Taiwan has such agreements with 34 countries, including countries that have trade agreements with the United States and do not maintain diplomatic relations with Taiwan.

(10) The American Chamber of Commerce in Taipei, in its ''2022 Taiwan White Paper'', called for the United States and Taiwan to continue exploring an income tax agreement to boost bilateral trade and investment by reducing double taxation and increasing economic efficiency and integration.

SEC. 5502. SENSE OF CONGRESS ON A FREE TRADE AGREEMENT AND BILATERAL TAX AGREEMENT WITH TAIWAN, THE INDO-PACIFIC ECONOMIC FRAMEWORK, AND CBP PRECLEARANCE.

It is the Sense of Congress that—

(1) the United States Trade Representative should resume meetings under the United States and Taiwan Trade and Investment Framework Agreement with the goal of reaching a bilateral free trade agreement with Taiwan;

(2) the United States Trade Representative should undertake efforts to assess whether the Agreement Concerning Digital Trade, signed at Washington October 7, 2019, and entered into force January 1, 2020, between the United States and Japan, provides a model for a similar agreement between the United States and Taiwan to strengthen economic ties with Taiwan in key sectors;

(3) the United States Trade Representative and the Secretary of Commerce should undertake efforts to assure Taiwan's engagement and participation in the Indo-Pacific Economic Framework;

(4) the United States should utilize and expand Preclearance programs to meet the needs of the United States travel and tourism industry, including by prioritizing the establishment of Preclearance facilities with Indo-Pacific allies and partners, including Taiwan; and

(5) the United States should—

(A) begin negotiations on an income tax agreement between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States; and

(B) work on a congressional-executive agreement to establish such an income tax agreement.

SEC. 5503. SENSE OF CONGRESS ON UNITED STATES-TAIWAN DEVELOPMENT COOPERATION.

It is the sense of Congress that—

(1) the United States and Taiwan share common development goals in a wide range of sectors, including public health, agriculture, food security, democracy and governance, and education;

(2) enhanced cooperation between the United States and Taiwan would better advance these goals; and

(3) the United States Agency for International Development should explore opportunities to partner with Taiwan on projects in developing countries related to inclusive economic growth, resilience, global health, education, infrastructure, humanitarian assistance, disaster relief, and other areas.

TITLE VI—SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE PROGRAMS WITH TAIWAN

SEC. 5601. SHORT TITLE.

This title may be cited as the ''Taiwan Fellowship Act''.

SEC. 5602. 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. 5603. PURPOSES.

The purposes of this title 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 government in 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. 5604. DEFINITIONS.

In this title:

(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 5605.

SEC. 5605. 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 5608(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 government in 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 title, should work in—

(A) a parliamentary office, ministry, or other agency of the government in Taiwan; or

(B) an organization outside of the government in 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 title 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 government in 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. 5606. REPORTS AND AUDITS.

(a) ANNUAL REPORT.—Not later than 90 days after the selection of the first class of fellows under this title, 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 government in 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. 5607. 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 title, to the American Institute in Taiwan for the purpose of assignment to the government in Taiwan or an organization described in section 5605(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 5605(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 government in 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. 5608. 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. 5609. STUDY AND REPORT.

Not later than one year prior to the sunset of the fellowship program under section 605(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. 5610. 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.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 5701. INVITATION OF TAIWANESE COUNTERPARTS TO HIGH-LEVEL BILATERAL AND MULTILATERAL FORUMS AND EXERCISES.

(a) STATEMENT OF POLICY.—It is the policy of the United States to invite Taiwanese counterparts to participate in high-level bilateral and multilateral summits, military exercises, and economic dialogues and forums.

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

(1) the United States Government should invite Taiwan to regional dialogues on issues of mutual concern;

(2) the United States Government and Taiwanese counterparts should resume meetings

under the United States-Taiwan Trade and Investment Framework Agreement and reach a bilateral free trade agreement that provides high levels of labor rights and environmental protections;

(3) the United States Government should invite Taiwan to participate in bilateral and multilateral military training exercises;

(4) the United States Government and Taiwanese counterparts should engage in a regular and routine strategic bilateral dialogue on arms sales in accordance with Foreign Military Sales mechanisms; and

(5) the United States Government should support export licenses for direct commercial sales supporting Taiwan's indigenous defensive capabilities.

SEC. 5702. REPORT ON TAIWAN TRAVEL ACT.

(a) LIST OF HIGH-LEVEL VISITS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State, in accordance with the Taiwan Travel Act (Public Law 115–135), shall submit to the appropriate congressional committees—

(1) a list of high-level officials from the United States Government who have traveled to Taiwan; and

(2) a list of high-level officials of Taiwan who have entered the United States.

(b) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for a period of 5 years, the Secretary of State shall submit a report on the implementation of the Taiwan Travel Act, including a discussion of its positive effects on United States interests in the region, to the appropriate congressional committees.

SEC. 5703. PROHIBITIONS AGAINST UNDERMINING UNITED STATES POLICY REGARDING TAIWAN.

(a) FINDING.—Congress finds that the efforts by the Government of the People's Republic of China and the Chinese Communist Party to compel private United States businesses, corporations, and nongovernmental entities to use language mandated by the People's Republic of China (referred to in this section as the ''PRC'') to describe the relationship between Taiwan and the PRC are an illegitimate attempt to enforce political censorship globally.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government, in coordination with United States businesses and nongovernmental entities, should formulate a code of conduct for, and otherwise coordinate on, interacting with the Government of the PRC and the Chinese Communist Party and their affiliated entities, the aim of which is—

(1) to counter PRC operations that threaten free speech, academic freedom, and the normal operations of United States businesses and nongovernmental entities; and

(2) to counter PRC efforts to censor the way the world refers to issues deemed sensitive to the PRC Government and Chinese Communist Party leaders, including issues related to Taiwan, Tibet, the Tiananmen Square Massacre, and the mass internment of Uyghurs and other Turkic Muslims, among many other issues.

(c) PROHIBITION AGAINST RECOGNIZING THE PEOPLE'S REPUBLIC OF CHINA'S CLAIMS TO SOVEREIGNTY OVER TAIWAN.—

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

(A) issues related to the sovereignty of Taiwan are for the people of Taiwan to decide through the democratic process they have established;

(B) the dispute between the PRC and Taiwan must be resolved peacefully and with the assent of the people of Taiwan;

(C) the 2 key obstacles to peaceful resolution are—

(i) the authoritarian nature of the PRC political system under one-party rule of the Chinese Communist Party, which is fundamentally incompatible with Taiwan's democracy; and

(ii) the PRC's pursuit of coercion and aggression towards Taiwan, in potential violation of the third United States-PRC Joint Communiqué, which was completed on August 17, 1982;

(D) any attempt to coerce or force the people of Taiwan to accept a political arrangement that would subject them to direct or indirect rule by the PRC, including a ''one country, two systems'' framework, would constitute a grave challenge to United States security interests in the region.

(2) STATEMENT OF POLICY.—It is the policy of the United States to oppose any attempt by the PRC authorities to unilaterally impose a timetable or deadline for unification on Taiwan.

(3) PROHIBITION ON RECOGNITION OF PRC CLAIMS WITHOUT THE ASSENT OF PEOPLE OF TAIWAN.—No department or agency of the United States Government may formally or informally recognize PRC claims to sovereignty over Taiwan without the assent of the people of Taiwan, as expressed directly through the democratic process.

(d) STRATEGY TO PROTECT UNITED STATES BUSINESSES AND NONGOVERNMENTAL ENTITIES FROM COERCION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce, the Secretary of the Treasury, and the heads of other relevant Federal agencies, shall submit an unclassified report, with a classified annex, if necessary, on how to protect United States businesses and nongovernmental entities from PRC operations, including coercion and threats that lead to censorship or self-censorship, or which compel compliance with political or foreign policy positions of the Government of the People's Republic of China and the Chinese Communist Party.

(2) ELEMENTS.—The strategy shall include—

(A) information regarding efforts by the PRC Government to censor the websites of United States airlines, hotels, and other businesses regarding the relationship between Taiwan and the PRC;

(B) information regarding efforts by the PRC Government to target United States nongovernmental entities through operations intended to weaken support for Taiwan;

(C) information regarding United States Government efforts to counter the threats posed by Chinese state-sponsored propaganda and disinformation, including information on best practices, current successes, and existing barriers to responding to such threat; and

(D) details of any actions undertaken to create the code of conduct described in subsection (b), including a timetable for the implementation of such code of conduct.

SEC. 5704. AMENDMENTS TO THE TAIWAN ALLIES INTERNATIONAL PROTECTION AND ENHANCEMENT INITIATIVE (TAIPEI) ACT OF 2019.

The Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 (Public Law 116–135) is amended—

(1) in section 2(5), by striking ''and Kiribati'' and inserting ''Kiribati, and Nicaragua,'';

(2) in section 4—

(A) in the matter preceding paragraph (1), by striking ''should be'' and inserting ''is'';

(B) in paragraph (2), by striking ''and'' at the end;

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

(D) by adding at the end the following:

''(4) to support Taiwan's diplomatic relations with other governments and countries.''; and

(3) in section 5—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''and'' at the end;

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

(iii) by adding at the end the following:

''(4) identify why governments and countries have altered their diplomatic status vis-a-vis Taiwan and make recommendations to mitigate further deterioration in Taiwan's diplomatic relations with other governments and countries.'';

(B) in subsection (b), by striking ''1 year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of State shall report'' and inserting ''90 days after the date of the enactment of the Taiwan Policy Act of 2022, and annually thereafter for a period of 7 years, the Secretary of State shall submit an unclassified report, with a classified annex,'';

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

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

''(c) BRIEFINGS.—Not later than 90 days after the date of the enactment of the Taiwan Policy Act of 2022, and annually thereafter for a period of 7 years, the Department of State shall provide briefings to the appropriate congressional committees on the steps taken in accordance with section (a). The briefings required under this subsection shall take place in an unclassified setting, but may be accompanied by an additional classified briefing.''.

SEC. 5705. REPORT ON ROLE OF PEOPLE'S REPUBLIC OF CHINA'S NUCLEAR THREAT IN ESCALATION DYNAMICS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to Congress a report assessing the role of the increasing nuclear threat of the People's Republic of China in escalation dynamics with respect to Taiwan.

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

SEC. 5706. REPORT ANALYZING THE IMPACT OF RUSSIA'S WAR AGAINST UKRAINE ON THE OBJECTIVES OF THE PEOPLE'S REPUBLIC OF CHINA WITH RESPECT TO TAIWAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit a report to the appropriate congressional committees that analyzes the impact of Russia's war against Ukraine on the PRC's diplomatic, military, economic, and propaganda objectives with respect to Taiwan.

(b) ELEMENTS.—The report required under subsection (a) shall describe—

(1) adaptations or known changes to PRC strategies and military doctrine since the commencement of the Russian invasion of Ukraine on February 24, 2022, including changes—

(A) to PRC behavior in international forums;

(B) within the People's Liberation Army, with respect to the size of forces, the makeup of leadership, weapons procurement, equipment upkeep, the doctrine on the use of specific weapons, such as weapons banned under the international law of armed conflict, efforts to move weapons supply chains onto mainland PRC, or any other changes in its military strategy with respect to Taiwan;

(C) in economic planning, such as sanctions evasion, efforts to minimize exposure to sanctions, or moves in support of the protection of currency or other strategic reserves;

(D) to propaganda, disinformation, and other information operations originating in the PRC; and

(E) to the PRC's strategy for the use of force against Taiwan, including any information on preferred scenarios or operations to secure its objectives in Taiwan, adjustments based on how the Russian military has performed in Ukraine, and other relevant matters;

(2) United States' plans to adapt its policies and military planning in response to the changes referred to in paragraph (1).

(c) FORM.—The report required under subsection (a) shall be submitted in classified form.

(d) COORDINATION WITH ALLIES AND PARTNERS.—The Secretary of State shall share information contained in the report required under subsection (a), as appropriate, with appropriate officials of allied and partner nations, including Taiwan and allies in Europe and in the Indo-Pacific.

(e) DEFINED TERM.—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 Appropriations of the Senate;

(4) the Select Committee on Intelligence of the Senate;

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

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

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

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

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

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

SEC. 5707. 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 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 congressional committees 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.

TITLE VIII—DETERRENCE MEASURES FOR CROSS-STRAIT STABILITY AND TO IMPOSE COSTS ON THE PEOPLE'S REPUBLIC OF CHINA FOR UNILATERALLY CHANGING OR ATTEMPTING TO CHANGE THE STATUS QUO OF TAIWAN

SEC. 5801. DEFINITIONS.

In this title:

(1) ADMISSION; ADMITTED; ALIEN.—The terms ''admission'', ''admitted'', and ''alien'' have the meanings given such terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

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

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

(3) CCP.—The term ''CCP'' means the Chinese Communist Party.

(4) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning given such term in regulations prescribed by the Secretary of the Treasury.

(6) FOREIGN PERSON.—The term ''foreign person'' means an individual or entity that is not a United States person.

(7) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person had actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(8) PEOPLE'S LIBERATION ARMY; PLA.—The terms ''People's Liberation Army'' and ''PLA'' mean the armed forces of the People's Republic of China.

(9) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 5802. DETERMINATIONS WITH RESPECT TO ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA AGAINST TAIWAN.

(a) IN GENERAL.—The President shall determine, in accordance with subsection (b), whether—

(1) the Government of the People's Republic of China, the Chinese Communist Party, or any proxy, or person or entity under the control of or acting at the direction thereof, is knowingly engaged in a significant escalation in aggression, including overt or covert military activity, in or against Taiwan, compared to the level of aggression in or against Taiwan on or after the date of the enactment of this Act; and

(2) if such engagement exists, whether such escalation demonstrates an attempt to achieve or has the significant effect of achieving the physical or political control of Taiwan, including by—

(A) overthrowing or dismantling the governing institutions in Taiwan;

(B) occupying any territory controlled or administered by Taiwan as of the date of the enactment of this Act;

(C) violating the territorial integrity of Taiwan; or

(D) taking significant action against Taiwan, including—

(i) creating a naval blockade of Taiwan;

(ii) seizing the outer lying islands of Taiwan; or

(iii) initiating a significant cyber attack that threatens the civilian or military infrastructure of Taiwan.

(b) TIMING OF DETERMINATIONS.—The President shall make the determination described in subsection (a)—

(1) not later than 15 days after the date of the enactment of this Act;

(2) after the first determination under paragraph (1), not less frequently than once every 90 days (or more frequently, if warranted) during the 1-year period beginning on such date of enactment; and

(3) after the end of such 1-year period, not less frequently than once every 120 days.

(c) REPORT REQUIRED.—Upon making a determination described in subsection (a), the President shall submit a report describing the factors influencing such determination to the appropriate committees of Congress.

(d) CONGRESSIONAL REQUESTS.—Not later than 30 days after receiving a request from the chairman and ranking member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives with respect to whether the People's Republic of China or the Chinese Communist Party, including through any proxies of the People's Republic of China or the Chinese Communist Party, has engaged in an act described in subsection (a), the President shall—

(1) determine if the People's Republic of China or the Chinese Communist Party has engaged in such an act; and

(2) submit a report to the appropriate committees of Congress that contains a detailed explanation of such determination.

SEC. 5803. IMPOSITION OF SANCTIONS ON OFFICIALS OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA RELATING TO OPERATIONS IN TAIWAN.

(a) DEFINED TERM.—In this section, the term ''top decision-making bodies'' may include—

(1) the CCP Politburo Standing Committee;

(2) the CCP Party Central Military Commission;

(3) the CCP Politburo;

(4) the CCP Central Committee;

(5) the CCP National Congress;

(6) the State Council of the People's Republic of China; and

(7) the State Central Military Commission of the CCP.

(b) IN GENERAL.—Not later than 60 days after making an affirmative determination under section 5802(a), the President shall impose the sanctions described in section 5807 with respect to at least 100 officials of the Government of the People's Republic of China specified in subsection (c), to the extent such officials can be identified.

(c) OFFICIALS SPECIFIED.—The officials specified in this subsection shall include—

(1) senior civilian and military officials of the People's Republic of China and military officials who have command or clear and direct decision-making power over military campaigns, military operations, and military planning against Taiwan conducted by the People's Liberation Army;

(2) senior civilian and military officials of the People's Republic of China who have command or clear and direct decision-making power in the Chinese Coast Guard and the Chinese People's Armed Police and are engaged in planning or implementing activities that involve the use of force against Taiwan;

(3) senior or special advisors to the President of the People's Republic of China;

(4) officials of the Government of the People's Republic of China who are members of the top decision-making bodies of that Government;

(5) the highest-ranking Chinese Communist Party members of the decision-making bodies referred to in paragraph (4); and

(6) officials of the Government of the People's Republic of China in the intelligence agencies or security services who—

(A) have clear and direct decisionmaking power; and

(B) have engaged in or implemented activities that—

(i) materially undermine the military readiness of Taiwan;

(ii) overthrow or decapitate the Taiwan's government;

(iii) debilitate Taiwan's electric grid, critical infrastructure, or cybersecurity systems through offensive electronic or cyber attacks;

(iv) undermine Taiwan's democratic processes through campaigns to spread disinformation; or

(v) involve committing serious human rights abuses against citizens of Taiwan, including forceful transfers, enforced disappearances, unjust detainment, or torture.

(d) ADDITIONAL OFFICIALS.—

(1) LIST REQUIRED.—Not later than 30 days after making an affirmative determination under section 5802(a) and every 90 days thereafter, the President shall submit a list to the appropriate committees of Congress that identifies any additional foreign persons who—

(A) the President determines are officials specified in subsection (c); and

(B) who were not included on any previous list of such officials.

(2) IMPOSITION OF SANCTIONS.—Upon the submission of the list required under paragraph (1), the President shall impose the sanctions described in section 5807 with respect to each foreign person included on the list.

SEC. 5804. IMPOSITION OF SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

(1) JOINT-EQUITY BANK.—The term ''joint-equity bank'' means a bank under the jurisdiction of the People's Republic of China in which—

(A) the bank's equity is owned jointly by the shareholders; and

(B) the Government of the People's Republic of China holds an interest.

(2) NATIONAL JOINT-STOCK COMMERCIAL BANK.—The term ''national joint-stock commercial bank'' means a bank under the jurisdiction of the People's Republic of China in which—

(A) the bank's stock is owned jointly by the shareholders; and

(B) the Government of the People's Republic of China holds an interest.

(3) NATIONAL STATE-OWNED POLICY BANK.—The term ''national state-owned policy bank'' means a bank that—

(A) is incorporated in the People's Republic of China; and

(B) was established by the Government of the People's Republic of China to advance investments in specific policy domains that advance the interests and goals of the People's Republic of China.

(b) IN GENERAL.—

(1) IN GENERAL.—Not later than 30 days after making an affirmative determination under section 5802(a), the President shall impose the sanctions described in section 5807(a) with respect to—

(A) at least 5 state-owned banks in the People's Republic of China, including at least 3 of the largest state-owned banks.

(B) at least 3 national joint-stock commercial banks in the People's Republic of China;

(C) at least 3 national state-owned policy banks in the People's Republic of China;

(D) at least 3 joint-equity banks or other commercial banks in the People's Republic of China; and

(E) entities that regulate the banking sector of the People's Republic of China, or major financial asset management companies regulated by the Government of the People's Republic of China.

(2) SUBSIDIARIES AND SUCCESSOR ENTITIES.—The President may impose the sanctions described in section 5807 with respect to any subsidiary of, or successor entity to, a financial institution specified in paragraph (1).

(c) ADDITIONAL PEOPLE'S REPUBLIC OF CHINA FINANCIAL INSTITUTIONS.—

(1) LIST REQUIRED.—Not later than 30 days after making an affirmative determination under section 5802(a), and every 90 days thereafter, the President shall submit a list to the appropriate committees of Congress that identifies any foreign persons that the President determines—

(A) are significant financial institutions owned or operated by the Government of the People's Republic of China; and

(B) should be sanctioned in the interest of United States national security.

(2) IMPOSITION OF SANCTIONS.—Upon the submission of each list required under paragraph (1), the President shall impose the sanctions described in section 5807 with respect to each foreign person identified on such list.

SEC. 5805. REPORTING REQUIREMENT.

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

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

(2) the Committee on Banking, Housing, and Urban Affairs 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 Committee on Financial Services of the House of Representatives; and

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

(b) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 90 days thereafter for a period of 3 years, the President shall submit to the appropriate congressional committees a report that includes information, if any, regarding the officials specified in section 5803(b) and the entities specified in section 5804(b) that could be relevant to making a determination under section 5802(a).

(c) FORM.—Each report required under subsection (b) shall be submitted in classified form.

SEC. 5806. ADDITIONAL SANCTIONS.

(a) IN GENERAL.—Beginning on the date that is 90 days after the date of the enactment of this Act, the President shall impose the sanctions described in section 5807 on any foreign person that the President determines, while acting for or on behalf of the Government of the People's Republic of China, knowingly—

(1) ordered or engaged directly in activities interfering significantly in a democratic process in Taiwan; or

(2) with the objective of destabilizing Taiwan, engaged directly in, or ordered—

(A) malicious, offensive cyber-enabled activities targeting—

(i) the Government or armed forces of Taiwan; or

(ii) the critical infrastructure, including military, industrial, or financial infrastructure of Taiwan;

(B) significant economic practices intended to coerce or intimidate—

(i) the government in Taiwan; or

(ii) businesses, academic, or civil society institutions located in Taiwan; or

(C) military activities that are designed to intimidate the armed forces of Taiwan or that seek to normalize a coercive military posture and sustained presence by the People's Liberation Army in the Taiwan Strait.

(b) WAIVER.—The President may waive the application of sanctions under subsection (a) if the President submits to the appropriate committees of Congress a written determination that such waiver is in the national interests of the United States.

SEC. 5807. SANCTIONS DESCRIBED.

(a) PROPERTY BLOCKING.—Except as provided in section 5809, the President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(1) VISAS, ADMISSION, OR PAROLE.—In the case of an alien, the alien is—

(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.—The visa or other entry documentation of an alien described in paragraph (1) shall be revoked, regardless of when such visa or other entry documentation was issued.

(B) IMMEDIATE EFFECT.—A revocation under subparagraph (A) shall—

(i) take effect immediately; and

(ii) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

SEC. 5808. IMPLEMENTATION; REGULATIONS; PENALTIES.

(a) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this title.

(b) RULEMAKING.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this title.

(c) PENALTIES.—Any person that violates, attempts to violate, conspires to violate, or causes a violation of this title, or any regulation, license, or order issued to carry out this title, 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.

SEC. 5809. EXCEPTIONS; WAIVER.

(a) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—This title shall not apply with respect to—

(A) activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.); or

(B) authorized intelligence activities of the United States.

(2) EXCEPTION FOR COMPLIANCE WITH INTERNATIONAL OBLIGATIONS AND LAW ENFORCEMENT ACTIVITIES.—Sanctions under this title shall not apply with respect to an alien if admitting or paroling such 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 on June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States; or

(B) to carry out or assist law enforcement activity in the United States.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) DEFINED TERM.—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.

(B) IN GENERAL.—Notwithstanding any other provision of this title, the authority or a requirement to impose sanctions under this title shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) NATIONAL SECURITY WAIVER.—The President may waive the imposition of sanctions based on a determination under section 5802(a) with respect to a person if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits a notification of the waiver and the reasons for the waiver to the appropriate committees of Congress.

SEC. 5810. TERMINATION.

The President may terminate the sanctions imposed under this title based on a determination under section 5802(a), after determining and certifying to the appropriate committees of Congress that the Government of the People's Republic of China—

(1) has verifiably ceased the activities described in section 5802(a) with respect to operations against Taiwan; and

(2) to the extent applicable, has entered into an agreed settlement with a legitimate democratic government in Taiwan.

TITLE IX—UNITED STATES-TAIWAN PUBLIC HEALTH PROTECTION

SEC. 5901. SHORT TITLE.

This title may be cited as the ''United States-Taiwan Public Health Protection Act''.

SEC. 5902. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—For the purposes of this title, the term ''appropriate congressional committees'' means—

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

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

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

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

(2) CENTER.—The term ''Center'' means the Infectious Disease Monitoring Center described in section 5903.

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

SEC. 5903. STUDY.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services and the heads of other relevant Federal departments and agencies, shall submit to the relevant congressional committees a study that includes the following:

(1) A description of ongoing cooperation between the United States Government and Taiwan related to public health, including disease surveillance, information sharing, and telehealth.

(2) A description how the United States and Taiwan can promote further cooperation, including the feasibility of establishing an Infectious Disease Monitoring Center within the American Institute of Taiwan in Taipei, Taiwan that, in partnership with the Taiwan Centers for Disease Control, conducts health monitoring of infectious diseases in the region by—

(A) regularly monitoring, analyzing, and disseminating open-source material from countries in the region, including viral strains, bacterial subtypes, and other pathogens;

(B) engaging in people-to-people contacts with medical specialists and public health officials in the region;

(C) providing expertise and information on infectious diseases to the United States Government and the Taiwanese government; and

(D) carrying out other appropriate activities, as determined by the Director of the Center.

(b) ELEMENTS.—The study required by subsection (a) shall include—

(1) a plan on how to establish and operate such a Center, including—

(A) the personnel, material, and funding requirements necessary to establish and operate the Center; and

(B) the proposed structure and composition of Center personnel, which may include—

(i) infectious disease experts from among the National Institutes of Health, the Centers for Disease Control and Prevention, and the Food and Drug Administration, who are recommended to serve as detailees to the Center; and

(ii) additional qualified persons to serve as detailees to or employees of the Center, including—

(I) from any other relevant Federal department or agencies, to include the Department of State and the United States Agency for International Development;

(II) qualified foreign service nationals or locally engaged staff who are considered citizens of Taiwan; and

(III) employees of the Taiwan Centers for Disease Control;

(2) an evaluation, based on the factors in paragraph (1), of whether to establish the Center, and a timeline for doing so; and

(3) a description of any consultations or agreements between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States regarding the establishment and operation of the Center, including—

(A) the role that employees of the Taiwan Centers for Disease Control would play in supporting or coordinating with the Center; and

(B) whether any employees of the Taiwan Centers for Disease Control would be detailed to, or co-located with, the Center.

(c) CONSULTATION.—The Secretary of State shall consulate with the appropriate congressional committees before full completion of the study.

(d) SUBMISSION.—The Secretary of State, in coordination with the Secretary of Health and Human Services, shall submit the study to the appropriate congressional committees not later than one year after the enactment of this Act.

SEC. 5904. INFECTIOUS DISEASE MONITORING CENTER.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Health and Human Services and the heads of other relevant Federal departments and agencies, is authorized to establish an Infectious Disease Monitoring Center under the auspices of the American Institute in Taiwan in Taipei, Taiwan, when the conditions outlined in subsection (b) have been met.

(b) CONDITIONS.—The conditions for establishment of an Infectious Disease Monitoring Center within under the auspices of the American Institute in Taiwan in Taipei, Taiwan, are—

(1) that the study required in section 5903 has been submitted to the appropriate congressional committees; and

(2) not later than 30 days after the submission of the study, the Secretary of State and the Secretary of Health and Human Services have briefed the appropriate congressional committees;

(c) PARTNERSHIP.—Should the Secretary determine to establish the Center, the American Institute in Taiwan should seek to partner with the Taiwan Centers for Disease Control to conduct health monitoring of infectious diseases in the region by—

(1) regularly monitoring, analyzing, and disseminating open-source material from countries in the region, including viral strains, bacterial subtypes, and other pathogens;

(2) engaging in people-to-people contacts with medical specialists and public health officials in the region;

(3) providing expertise and information on infectious diseases to the Government of the United States and the Taiwanese government; and

(4) carrying out other appropriate activities, as determined by the Director of the Center.

(d) UPDATES.—The Secretary, in consultation with the Secretary of Health and Human Services, shall provide an annual update the appropriate congressional committees on the functioning and costs of the Center, if established, as well as an assessment of how the Center is serving United States interests.

TITLE X—SOUTH CHINA SEA AND EAST CHINA SEA SANCTIONS ACT

SEC. 6001. SHORT TITLE.

This title may be cited as the ''South China Sea and East China Sea Sanctions Act of 2022''.

SEC. 6002. SANCTIONS WITH RESPECT TO CHINESE PERSONS RESPONSIBLE FOR CHINA'S ACTIVITIES IN THE SOUTH CHINA SEA AND THE EAST CHINA SEA.

(a) INITIAL IMPOSITION OF SANCTIONS.—On and after the date that is 120 days after the date of the enactment of this Act, the President may impose the sanctions described in subsection (b) with respect to any Chinese person, including any senior official of the Government of the People's Republic of China, that the President determines—

(1) is responsible for or significantly contributes to large-scale reclamation, construction, militarization, or ongoing supply of outposts in disputed areas of the South China Sea;

(2) is responsible for or significantly contributes to, or has engaged in, directly or indirectly, actions, including the use of coercion, to inhibit another country from protecting its sovereign rights to access offshore resources in the South China Sea, including in such country's exclusive economic zone, consistent with such country's rights and obligations under international law;

(3) is responsible for or complicit in, or has engaged in, directly or indirectly, actions that significantly threaten the peace, security, or stability of disputed areas of the South China Sea or areas of the East China Sea administered by Japan or the Republic of Korea, including through the use of vessels and aircraft by the People's Republic of China to occupy or conduct extensive research or drilling activity in those areas;

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to, or in support of, any person subject to sanctions pursuant to paragraph (1), (2), or (3); or

(5) is owned or controlled by, or has acted for or on behalf of, directly or indirectly, any person subject to sanctions pursuant to paragraph (1), (2), or (3).

(b) SANCTIONS DESCRIBED.—The sanctions that may be imposed with respect to a person described in subsection (a) are the following:

(1) BLOCKING OF PROPERTY.—The President may, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

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

(A) VISAS, ADMISSION, OR PAROLE.—In the case of an alien, the alien may be—

(i) inadmissible to the United States;

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

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

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subparagraph (A) may be subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) may—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the alien's possession.

(3) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the person.

(4) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to the person under—

(A) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(B) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(5) INCLUSION ON ENTITY LIST.—The President may include the entity on the entity list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations, for activities contrary to the national security or foreign policy interests of the United States.

(6) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing equity or debt instruments of the person.

(7) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the person.

(8) CORRESPONDENT AND PAYABLE-THROUGH ACCOUNTS.—In the case of a foreign financial institution, the President may prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by the foreign financial institution.

(c) EXCEPTIONS.—

(1) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of subsection (b)(1).

(2) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(3) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Paragraphs (2) and (3) of subsection (b) shall not apply if admission of an alien to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success, June 26, 1947, and entered into force, November 21, 1947, between the United Nations and the United States.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority or a requirement to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(d) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under subsection (b)(1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(e) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) ALIEN.—The term ''alien'' has the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) CHINESE PERSON.—The term ''Chinese person'' means—

(A) an individual who is a citizen or national of the People's Republic of China; or

(B) an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China.

(4) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T), (Y), or (Z) of section 5312(a)(2) of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(6) PERSON.—The term ''person'' means any individual or entity.

(7) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction

within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 6003. SENSE OF CONGRESS REGARDING PORTRAYALS OF THE SOUTH CHINA SEA OR THE EAST CHINA SEA AS PART OF CHINA.

It is the sense of Congress that the Government Publishing Office should not publish any map, document, record, electronic resource, or other paper of the United States (other than materials relating to hearings held by committees of Congress or internal work product of a Federal agency) portraying or otherwise indicating that it is the position of the United States that the territory or airspace in the South China Sea that is disputed among two or more parties or the territory or airspace of areas administered by Japan or the Republic of Korea, including in the East China Sea, is part of the territory or airspace of the People's Republic of China.

SEC. 6004. SENSE OF CONGRESS ON 2016 PERMANENT COURT OF ARBITRATION'S TRIBUNAL RULING ON ARBITRATION CASE BETWEEN PHILIPPINES AND PEOPLE'S REPUBLIC OF CHINA.

(a) FINDING.—Congress finds that on July 12, 2016, a tribunal of the Permanent Court of Arbitration found in the arbitration case between the Philippines and the People's Republic of China under the United Nations Convention on the Law of the Sea that the People's Republic of China's claims, including those to offshore resources and ''historic rights'', were unlawful, and that the tribunal's ruling is final and legally binding on both parties.

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

(1) the United States and the international community should reject the unlawful claims of the People's Republic of China within the exclusive economic zone or on the continental shelf of the Philippines, as well as the maritime claims of the People's Republic of China beyond a 12-nautical-mile territorial sea from the islands it claims in the South China Sea;

(2) the provocative behavior of the People's Republic of China, including coercing other countries with claims in the South China Sea and preventing those countries from accessing offshore resources, undermines peace and stability in the South China Sea;

(3) the international community should—

(A) support and adhere to the ruling described in subsection (a) in compliance with international law; and

(B) take all necessary steps to support the rules-based international order in the South China Sea; and

(4) all claimants in the South China Sea should—

(A) refrain from engaging in destabilizing activities, including illegal occupation or efforts to unlawfully assert control over disputed claims;

(B) ensure that disputes are managed without intimidation, coercion, or force;

(C) clarify or adjust claims in accordance with international law; and

(D) uphold the principle that territorial and maritime claims, including over territorial waters or territorial seas, must be derived from land features and otherwise comport with international law.

SEC. 6005. REPORT ON COUNTRIES THAT RECOGNIZE CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter until the date that is 3 years after such date of enactment, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report identifying each country that the Secretary determines has taken an official and stated position to recognize, after such date of enactment, the sovereignty of the People's Republic of China over territory or airspace disputed by one or more countries in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex if the Secretary of State determines it is necessary for the national security interests of the United States to do so.

(c) PUBLIC AVAILABILITY.—The Secretary of State shall publish the unclassified part of the report required by subsection (a) on a publicly available website of the Department of State.

TITLE XI—RULES OF CONSTRUCTION

SEC. 6101. RULE OF CONSTRUCTION.

Nothing in this division may be construed—

(1) to restore diplomatic relations with the Republic of China; or

(2) to alter the United States Government's position with respect to the international status of the Republic of China.

SEC. 6102. RULE OF CONSTRUCTION REGARDING THE USE OF MILITARY FORCE.

Nothing in this division may be construed as authorizing the use of military force or the introduction of United States forces into hostilities.

SA 6341. Mr. SCHATZ (for himself and 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, add the following:

DIVISION E—PROVISIONS RELATING TO NATIVE AMERICANS

TITLE LI—NATIVE AMERICAN LANGUAGE RESOURCE CENTER ACT OF 2022

SEC. 5101. SHORT TITLE.

This title may be cited as the ''Native American Language Resource Center Act of 2022''.

SEC. 5102. NATIVE AMERICAN LANGUAGE RESOURCE CENTERS.

(a) PURPOSE.—The purpose of this title is to further align the resources provided by the Department of Education with the policies set forth in the Native American Languages Act (25 U.S.C. 2901 et seq.) through establishment of a program within the Department of Education to support 1 or more Native American language resource centers.

(b) IN GENERAL.—The Secretary of Education is authorized to make a grant to, or enter into a contract with, an eligible entity for the purpose of—

(1) establishing, strengthening, and operating a Native American language resource center; and

(2) staffing the center with individuals with relevant expertise and experience, including staff who speak American Indian and Alaska Native languages and the Native Hawaiian language and have worked in language education in the American Indian and Alaska Native languages and the Native Hawaiian language in a preschool, elementary school, secondary school, adult education, or higher education program.

(c) AUTHORIZED ACTIVITIES.—The Native American language resource center established under subsection (b) shall carry out activities to—

(1) improve the capacity to teach and learn Native American languages;

(2) further Native American language use and acquisition;

(3) preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages in furtherance of—

(A) the policies set forth in the Native American Languages Act (25 U.S.C. 2901 et seq.); and

(B) the United States trust responsibility to Native American communities;

(4) address the effects of past discrimination and ongoing inequities experienced by Native American language speakers;

(5) support the revitalization and reclamation of Native American languages; and

(6) support the use of Native American languages as a medium of instruction for a wide variety of age levels, academic content areas, and types of schools, including Native American language medium education.

(d) ADDITIONAL AUTHORIZED ACTIVITIES.—The Native American language resource center established under subsection (b) may also carry out activities—

(1) to encourage and support the use of Native American languages within educational systems in the same manner as other world languages, including by encouraging State educational agencies, local educational agencies, and institutions of higher education to offer Native American language courses the same full academic credit as courses in other world languages;

(2) to support the development, adoption, and use of educational outcome metrics aligned with the Native American language of instruction, including assessments, qualifications, and processes based on promising practices in Native American language medium education;

(3) to provide assistance to Native American language programs seeking Federal resources;

(4) to encourage and support teacher preparation programs that prepare teachers to teach Native American languages and to use Native American languages as a medium of instruction, including by disseminating promising practices and developing pedagogical programming and through appropriate alternative pathways to teacher certification;

(5) to provide information and resources—

(A) on promising practices in the use and revitalization of Native American languages in Native American communities, including use in educational institutions; and

(B) for the use of technology in school and community-based Native American language programs to support the retention, use, and teaching of Native American languages;

(6) to support the use of distance learning technologies and training for parents, students, teachers, and learning support staff associated with Native American language programs, including—

(A) the compilation and curation of digital libraries and other online resources for Native American languages, except that any materials collected by the center shall only be materials provided by a Native American language program or Native American community;

(B) the development of distance learning curricula appropriate for preschool, elementary school, secondary school, adult education, and postsecondary education;

(C) pedagogical training for Native American language teachers; and

(D) other efforts necessary to continue Native American language acquisition through distance learning;

(7) to provide technical assistance for Native American communities and school systems to develop Native American language medium education programs in preschool, elementary school, secondary school, or adult education programs conducted through the medium of Native American languages;

(8) to support Native American language programs and Native American communities in—

(A) accessing international best practices, resources, and research in indigenous language revitalization; and

(B) gathering and sharing technical assistance, promising practices, and experiences;

(9) for the operation of intensive programs, including summer institutes, to train Native American language speakers, to provide professional development, and to improve Native American language instruction through preservice and in-service language training for teachers; and

(10) that otherwise support the Native American language resource center established under subsection (b) to carry out the activities required in subsection (c).

(e) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

(A) an institution of higher education;

(B) an entity within an institution of higher education with dedicated expertise in Native American language and culture education; or

(C) a consortium that includes 1 or more institutions of higher education or 1 or more entities described in subparagraph (B).

(3) 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).

(4) NATIVE AMERICAN; NATIVE AMERICAN LANGUAGE.—The terms ''Native American'' and ''Native American language'' have the meanings given those terms in section 103 of the Native American Languages Act (25 U.S.C. 2902).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $3,000,000 for each fiscal year.

TITLE LII—DURBIN FEELING NATIVE AMERICAN LANGUAGES ACT OF 2022

SEC. 5201. SHORT TITLE.

This title may be cited as the ''Durbin Feeling Native American Languages Act of 2022''.

SEC. 5202. ENSURING THE SURVIVAL AND CONTINUING VITALITY OF NATIVE AMERICAN LANGUAGES.

(a) IN GENERAL.—Section 106 of the Native American Languages Act (25 U.S.C. 2905) is amended by adding at the end the following:

''(c) EVALUATION; REPORT.—Not later than 1 year after the date of enactment of this subsection, the President shall—

''(1) require the heads of the various Federal departments, agencies, and instrumentalities to carry out an evaluation described in subsection (a)(1); and

''(2) submit to Congress a report that describes—

''(A) the results of the evaluations; and

''(B) the recommendations of the Secretary of the Interior, the Secretary of Health and Human Services, and the Secretary of Education, after consultation with Indian tribes, traditional leaders, and representatives of Native American language communities, for amendments to Federal laws that are needed—

''(i) to bring the Federal laws into compliance with this Act;

''(ii) to improve interagency coordination for purposes of supporting revitalization, maintenance, and use of Native American languages; and

''(iii) to reduce duplication, inefficiencies, and barriers Native American language communities face in accessing Federal programs to support efforts to revitalize, maintain, or increase the use of Native American languages.''.

(b) SURVEY ON NATIVE AMERICAN LANGUAGES.—The Native American Languages Act (25 U.S.C. 2901 et seq.) is amended by adding at the end the following:

''SEC. 108. SURVEY ON NATIVE AMERICAN LANGUAGES.

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of this section, and every 5 years thereafter, the Secretary of Health and Human Services, acting through the Commissioner of the Administration for Native Americans (referred to in this section as the 'Secretary'), shall undertake a survey of the use of all Native American languages in the United States.

''(b) UPDATES.—Prior to conducting each subsequent survey after the initial survey under subsection (a), the Secretary shall update the survey in accordance with this section.

''(c) CONSULTATION REQUIRED.—The Secretary shall design the initial survey under subsection (a) and each updated survey under subsection (b)—

''(1) in consultation with Indian tribes; and

''(2) after considering feedback received from Native American language speakers and experts.

''(d) CONTENTS.—Each survey under subsection (a) shall solicit—

''(1) information on which Native American languages are currently spoken;

''(2) estimates of the number of speakers of each Native American language;

''(3) any language usage statistics or information that the Secretary, in consultation with Indian tribes and Native American language speakers and experts, determines to be relevant and appropriate;

''(4) information on the types of Native American language maintenance and revitalization projects and practices that are currently being carried out;

''(5) information on any unmet Native American language resource needs of Indian tribes and Native American language communities; and

''(6) any other information that the Secretary, in consultation with Indian tribes and Native American language speakers and experts, determines to be necessary.

''(e) COORDINATION.—The Secretary may coordinate, and enter into cooperative agreements with, the Director of the Bureau of the Census for the purposes of carrying out this section.

''(f) OUTREACH AND ENGAGEMENT.—

''(1) IN GENERAL.—The Secretary shall carry out outreach and engagement activities to provide Indian tribes, Native language communities, and the public information about—

''(A) opportunities to provide input on the development and design of each survey under subsection (a), including information on the consultations required under subsection (c);

''(B) the goals and purpose of the surveys conducted under subsection (a); and

''(C) the benefits and importance of participation in surveys under subsection (a).

''(2) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.—The Secretary may carry out the outreach and engagement activities required under paragraph (1)—

''(A) directly;

''(B) in partnership with the Bureau of the Census; or

''(C) through grants to, or contracts or cooperative agreements with—

''(i) Indian tribes;

''(ii) tribal organizations; and

''(iii) nonprofit organizations that work with Indian tribes, Native American language programs, and Native American language communities.

''(g) LIMITATION.—Nothing in this section requires an Indian tribe, Native American language community, or Native American language speaker—

''(1) to participate in a survey under subsection (a); or

''(2) to provide specific or culturally sensitive information in completing such a survey.

''(h) AVAILABILITY OF SURVEY MATERIALS AND FINDINGS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and prior to conducting each survey under subsection (a), the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, and make publicly available, a description of—

''(A) the feedback received under subsection (c) on the design of the survey;

''(B) the form and content of the survey;

''(C) the plan for deploying the survey to ensure a robust response; and

''(D) how the Secretary will ensure any survey enumeration efforts are culturally informed and appropriate.

''(2) RESULTS.—Not later than 90 days after the date on which analysis of each survey under subsection (a) is completed, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, and make publicly available, the results of the survey.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for each fiscal year—

''(1) preceding a fiscal year during which a survey under subsection (a) is conducted; and

''(2) during which a survey under that subsection is conducted.''.

TITLE LIII—NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2022

SEC. 5301. SHORT TITLE.

This title may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2022''.

SEC. 5302. CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

''(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.—

''(1) IN GENERAL.—In the case of a recipient of grant amounts under this Act that is carrying out a project that qualifies as an affordable housing activity under section 202, if the recipient is using 1 or more additional sources of Federal funds to carry out the project, and the grant amounts received under this Act constitute the largest single source of Federal funds that the recipient reasonably expects to commit to the project

at the time of environmental review, the Indian tribe of the recipient may assume, in addition to all of the responsibilities for environmental review, decision making, and action under subsection (a), all of the additional responsibilities for environmental review, decision making, and action under provisions of law that would apply to each Federal agency providing additional funding were the Federal agency to carry out the project as a Federal project.

''(2) DISCHARGE.—The assumption by the Indian tribe of the additional responsibilities for environmental review, decision making, and action under paragraph (1) with respect to a project shall be deemed to discharge the responsibility of the applicable Federal agency for environmental review, decision making, and action with respect to the project.

''(3) CERTIFICATION.—An Indian tribe that assumes the additional responsibilities under paragraph (1), shall certify, in addition to the requirements under subsection (c)—

''(A) the additional responsibilities that the Indian tribe has fully carried out under this subsection; and

''(B) that the certifying officer consents to assume the status of a responsible Federal official under the provisions of law that would apply to each Federal agency providing additional funding under paragraph (1).

''(4) LIABILITY.—

''(A) IN GENERAL.—An Indian tribe that completes an environmental review under this subsection shall assume sole liability for the content and quality of the review.

''(B) REMEDIES AND SANCTIONS.—Except as provided in subparagraph (C), if the Secretary approves a certification and release of funds to an Indian tribe for a project in accordance with subsection (b), but the Secretary or the head of another Federal agency providing funding for the project subsequently learns that the Indian tribe failed to carry out the responsibilities of the Indian tribe as described in subsection (a) or paragraph (1), as applicable, the Secretary or other head, as applicable, may impose appropriate remedies and sanctions in accordance with—

''(i) the regulations issued pursuant to section 106; or

''(ii) such regulations as are issued by the other head.

''(C) STATUTORY VIOLATION WAIVERS.—If the Secretary waives the requirements under this section in accordance with subsection (d) with respect to a project for which an Indian tribe assumes additional responsibilities under paragraph (1), the waiver shall prohibit any other Federal agency providing additional funding for the project from imposing remedies or sanctions for failure to comply with requirements for environmental review, decision making, and action under provisions of law that would apply to the Federal agency.''.

SEC. 5303. AUTHORIZATION OF APPROPRIATIONS.

Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended, in the first sentence, by striking ''2009 through 2013'' and inserting ''2023 through 2033''.

SEC. 5304. STUDENT HOUSING ASSISTANCE.

Section 202(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132(3)) is amended by inserting ''including education-related stipends, college housing assistance, and other education-related assistance for low-income college students,'' after ''self-sufficiency and other services,''.

SEC. 5305. APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR OPERATED BY INDIAN TRIBE OR TRIBALLY DESIGNATED HOUSING ENTITY.

Section 203(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)(2)) is amended by inserting ''owned or operated by a recipient and'' after ''residing in a dwelling unit''.

SEC. 5306. DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.

Section 203(g) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(g)) is amended by striking ''$5,000'' and inserting ''$10,000''.

SEC. 5307. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended—

(1) in subsection (a)(1)—

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

(B) by adding at the end the following:

''(E) notwithstanding any other provision of this paragraph, in the case of rental housing that is made available to a current rental family for conversion to a homebuyer or a lease-purchase unit, that the current rental family can purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current rental family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and''; and

(2) in subsection (c)—

(A) by striking ''The provisions'' and inserting the following:

''(1) IN GENERAL.—The provisions''; and

(B) by adding at the end the following:

''(2) APPLICABILITY TO IMPROVEMENTS.—The provisions of subsection (a)(2) regarding binding commitments for the remaining useful life of property shall not apply to improvements of privately owned homes if the cost of the improvements do not exceed 10 percent of the maximum total development cost for the home.''.

SEC. 5308. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137) is amended by adding at the end the following:

''(c) NOTICE OF TERMINATION.—The notice period described in subsection (a)(3) shall apply to projects and programs funded in part by amounts authorized under this Act.''.

SEC. 5309. INDIAN HEALTH SERVICE.

(a) IN GENERAL.—Subtitle A of title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended by adding at the end the following:

''SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.

''Notwithstanding any other provision of law, the Director of the Indian Health Service, or a recipient receiving funding for a housing construction or renovation project under this title, may use funding from the Indian Health Service for the construction of sanitation facilities under that project.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104–330; 110 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

''Sec. 211. IHS sanitation facilities construction.''.

SEC. 5310. STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN EMERGENCIES.

Section 401(a)(4) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)(4)) is amended—

(1) in subparagraph (A), by striking ''may take an action described in paragraph (1)(C)'' and inserting ''may immediately take an action described in paragraph (1)(C)''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) PROCEDURAL REQUIREMENTS.—

''(i) IN GENERAL.—If the Secretary takes an action described in subparagraph (A), the Secretary shall provide notice to the recipient at the time that the Secretary takes that action.

''(ii) NOTICE REQUIREMENTS.—The notice under clause (i) shall inform the recipient that the recipient may request a hearing by not later than 30 days after the date on which the Secretary provides the notice.

''(iii) HEARING REQUIREMENTS.—A hearing requested under clause (ii) shall be conducted—

''(I) in accordance with subpart A of part 26 of title 24, Code of Federal Regulations (or successor regulations); and

''(II) to the maximum extent practicable, on an expedited basis.

''(iv) FAILURE TO CONDUCT A HEARING.—If a hearing requested under clause (ii) is not completed by the date that is 180 days after the date on which the recipient requests the hearing, the action of the Secretary to limit the availability of payments shall no longer be effective.''.

SEC. 5311. REPORTS TO CONGRESS.

Section 407 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking ''Congress'' and inserting ''Committee on Indian Affairs and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives''; and

(2) by adding at the end the following:

''(c) PUBLIC AVAILABILITY.—The report described in subsection (a) shall be made publicly available, including to recipients.''.

SEC. 5312. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

Section 702 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended—

(1) in the section heading, by striking ''**50-YEAR**'' and inserting ''**99-YEAR**'';

(2) in subsection (b), by striking ''50 years'' and inserting ''99 years''; and

(3) in subsection (c)(2), by striking ''50 years'' and inserting ''99 years''.

SEC. 5313. AMENDMENTS FOR BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

Section 802(e) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4222(e)) is amended by—

(1) by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Director''; and

(2) by adding at the end the following:

''(2) SUBAWARDS.—Notwithstanding any other provision of law, including provisions of State law requiring competitive procurement, the Director may make subawards to subrecipients, except for for-profit entities, using amounts provided under this title to carry out affordable housing activities upon a determination by the Director that such subrecipients have adequate capacity to carry out activities in accordance with this Act.''.

SEC. 5314. REAUTHORIZATION OF NATIVE HAWAIIAN HOMEOWNERSHIP PROVISIONS.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking ''such sums as may be necessary'' and all that follows through the period at the end

and inserting ''such sums as may be necessary for each of fiscal years 2023 through 2033.''.

SEC. 5315. TOTAL DEVELOPMENT COST MAXIMUM PROJECT COST.

Affordable housing (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that is developed, acquired, or assisted under the block grant program established under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) shall not exceed by more than 20 percent, without prior approval of the Secretary of Housing and Urban Development, the total development cost maximum cost for all housing assisted under an affordable housing activity, including development and model activities.

SEC. 5316. COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS AND SPECIAL ACTIVITIES BY INDIAN TRIBES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

''(i) INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES AS COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.—

''(1) DEFINITION.—In this subsection, the term 'tribally designated housing entity' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(2) QUALIFICATION.—An Indian tribe, a tribally designated housing entity, or a tribal organization shall qualify as a community-based development organization for purposes of carrying out new housing construction under this subsection under a grant made under section 106(a)(1).

''(j) SPECIAL ACTIVITIES BY INDIAN TRIBES.—An Indian tribe receiving a grant under paragraph (1) of section 106(a)(1) shall be authorized to directly carry out activities described in paragraph (15) of such section 106(a)(1).''.

SEC. 5317. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING COUNSELING GRANTS.

Section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' and inserting a comma; and

(B) by inserting before the period at the end the following: '', Indian tribes, and tribally designated housing entities'';

(2) in subparagraph (B), by inserting '', Indian tribes, and tribally designated housing entities'' after ''organizations)'';

(3) by redesignating subparagraph (F) as subparagraph (G); and

(4) by inserting after subparagraph (E) the following:

''(F) DEFINITIONS.—In this paragraph, the terms 'Indian tribe' and 'tribally designated housing entity' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).''.

SEC. 5318. SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(1) by amending subsection (a) to read as follows:

''(a) AUTHORITY.—To provide access to sources of private financing to Indian families, Indian housing authorities, and Indian Tribes, who otherwise could not acquire housing financing because of the unique legal status of Indian lands and the unique nature of tribal economies, and to expand homeownership opportunities to Indian families, Indian housing authorities and Indian tribes on fee simple lands, the Secretary may guarantee not to exceed 100 percent of the unpaid principal and interest due on any loan eligible under subsection (b) made to an Indian family, Indian housing authority, or Indian Tribe on trust land and fee simple land.''; and

(2) in subsection (b)—

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

''(2) ELIGIBLE HOUSING.—The loan shall be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing.'';

(B) in paragraph (4)—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(ii) by striking ''The loan'' and inserting the following:

''(A) IN GENERAL.—The loan'';

(iii) in subparagraph (A), as so designated, by adding at the end the following:

''(v) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).''; and

(iv) by adding at the end the following:

''(B) DIRECT GUARANTEE PROCESS.—

''(i) AUTHORIZATION.—The Secretary may authorize qualifying lenders to participate in a direct guarantee process for approving loans under this section.

''(ii) INDEMNIFICATION.—

''(I) IN GENERAL.—If the Secretary determines that a mortgage guaranteed through a direct guarantee process under this subparagraph was not originated in accordance with the requirements established by the Secretary, the Secretary may require the lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

''(II) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the original lender approved under this subparagraph to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

''(C) REVIEW OF MORTGAGEES.—

''(i) IN GENERAL.—The Secretary may periodically review the mortgagees originating, underwriting, or servicing single family mortgage loans under this section.

''(ii) REQUIREMENTS.—In conducting a review under clause (i), the Secretary—

''(I) shall compare the mortgagee with other mortgagees originating or underwriting loan guarantees for Indian housing based on the rates of defaults and claims for guaranteed mortgage loans originated, underwritten, or serviced by that mortgagee;

''(II) may compare the mortgagee with such other mortgagees based on underwriting quality, geographic area served, or any commonly used factors the Secretary determines necessary for comparing mortgage default risk, provided that the comparison is of factors that the Secretary would expect to affect the default risk of mortgage loans guaranteed by the Secretary;

''(iii) shall implement such comparisons by regulation, notice, or mortgagee letter; and

''(I) may terminate the approval of a mortgagee to originate, underwrite, or service loan guarantees for housing under this section if the Secretary determines that the mortgage loans originated, underwritten, or serviced by the mortgagee present an unacceptable risk to the Indian Housing Loan Guarantee Fund established under subsection (i)—

''(aa) based on a comparison of any of the factors set forth in this subparagraph; or

''(bb) by a determination that the mortgagee engaged in fraud or misrepresentation.''; and

(C) in paragraph (5)(A), by inserting before the semicolon at the end the following: ''except, as determined by the Secretary, when there is a loan modification under subsection (h)(1)(B), the term of the loan shall not exceed 40 years''.

(b) LOAN GUARANTEES FOR INDIAN HOUSING.—Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is amended—

(1) in subparagraph (B), by inserting after the first sentence the following: ''There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2023 through 2033.''; and

(2) in subparagraph (C), by striking ''2008 through 2012'' and inserting ''2023 through 2033''.

SEC. 5319. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended—

(1) in subsection (b), by inserting '', and to expand homeownership opportunities to Native Hawaiian families who are eligible to receive a homestead under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108) on fee simple lands in the State of Hawaii'' after ''markets'';

(2) in subsection (c)—

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

''(2) ELIGIBLE HOUSING.—The loan shall be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing.'';

(B) in paragraph (4)(B)—

(i) by redesignating clause (iv) as clause (v); and

(ii) by adding after clause (iii) the following:

''(iv) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).''; and

(C) in paragraph (5)(A), by inserting before the semicolon at the end the following: ''except, as determined by the Secretary, when there is a loan modification under subsection (i)(1)(B), the term of the loan shall not exceed 40 years''; and

(3) in subsection (j)(5)(B), by inserting after the first sentence the following: ''There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2023 through 2033.''.

SEC. 5320. DRUG ELIMINATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CONTROLLED SUBSTANCE.—The term ''controlled substance'' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) DRUG-RELATED CRIME.—The term ''drug-related crime'' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) RECIPIENT.—The term ''recipient''—

(A) has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103); and

(B) includes a recipient of funds under title VIII of that Act (25 U.S.C. 4221 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(b) ESTABLISHMENT.—The Secretary may make grants under this section to recipients

of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for use in eliminating drug-related and violent crime.

(c) ELIGIBLE ACTIVITIES.—Grants under this section may be used for—

(1) the employment of security personnel;

(2) reimbursement of State, local, Tribal, or Bureau of Indian Affairs law enforcement agencies for additional security and protective services;

(3) physical improvements which are specifically designed to enhance security;

(4) the employment of 1 or more individuals—

(A) to investigate drug-related or violent crime in and around the real property comprising housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with law enforcement officials;

(6) programs designed to reduce use of drugs in and around housing communities funded under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), including drug-abuse prevention, intervention, referral, and treatment programs;

(7) providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents;

(8) sports programs and sports activities that serve primarily youths from housing communities funded through and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drugs and drug-related problems in and around those communities; and

(9) other programs for youth in school settings that address drug prevention and positive alternatives for youth, including education and activities related to science, technology, engineering, and math.

(d) APPLICATIONS.—

(1) IN GENERAL.—To receive a grant under this section, an eligible applicant shall submit an application to the Secretary, at such time, in such manner, and accompanied by—

(A) a plan for addressing the problem of drug-related or violent crime in and around of the housing administered or owned by the applicant for which the application is being submitted; and

(B) such additional information as the Secretary may reasonably require.

(2) CRITERIA.—The Secretary shall approve applications submitted under paragraph (1) on the basis of thresholds or criteria such as—

(A) the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance;

(B) the quality of the plan to address the crime problem in the housing or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(C) the capability of the applicant to carry out the plan; and

(D) the extent to which tenants, the Tribal government, and the Tribal community support and participate in the design and implementation of the activities proposed to be funded under the application.

(e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—In evaluating the extent of the drug-related crime problem pursuant to subsection (d)(2), the Secretary may consider whether housing or projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 707(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(b)).

(f) REPORTS.—

(1) GRANTEE REPORTS.—The Secretary shall require grantees under this section to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in subsection (d)(1)(A), and any change in the incidence of drug-related crime in projects assisted under this section.

(2) HUD REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the system used to distribute funding to grantees under this section, which shall include descriptions of—

(A) the methodology used to distribute amounts made available under this section; and

(B) actions taken by the Secretary to ensure that amounts made available under this section are not used to fund baseline local government services, as described in subsection (h)(2).

(g) NOTICE OF FUNDING AWARDS.—The Secretary shall publish on the website of the Department a notice of all grant awards made pursuant to this section, which shall identify the grantees and the amount of the grants.

(h) MONITORING.—

(1) IN GENERAL.—The Secretary shall audit and monitor the program funded under this subsection to ensure that assistance provided under this subsection is administered in accordance with the provisions of this section.

(2) PROHIBITION OF FUNDING BASELINE SERVICES.—

(A) IN GENERAL.—Amounts provided under this section may not be used to reimburse or support any local law enforcement agency or unit of general local government for the provision of services that are included in the baseline of services required to be provided by any such entity pursuant to a local cooperative agreement pursuant under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or any provision of an annual contributions contract for payments in lieu of taxation with the Bureau of Indian Affairs.

(B) DESCRIPTION.—Each grantee under this section shall describe, in the report under subsection (f)(1), such baseline of services for the unit of Tribal government in which the jurisdiction of the grantee is located.

(3) ENFORCEMENT.—The Secretary shall provide for the effective enforcement of this section, as specified in the program requirements published in a notice by the Secretary, which may include—

(A) the use of on-site monitoring, independent public audit requirements, certification by Tribal or Federal law enforcement or Tribal government officials regarding the performance of baseline services referred to in paragraph (2);

(B) entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this section; and

(C) adopting enforcement authority that is substantially similar to the authority provided to the Secretary under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.)

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal years 2023 through 2033 to carry out this section.

SEC. 5321. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

''(E) INDIAN VETERANS HOUSING RENTAL ASSISTANCE PROGRAM.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) ELIGIBLE INDIAN VETERAN.—The term 'eligible Indian veteran' means an Indian veteran who is—

''(aa) homeless or at risk of homelessness; and

''(bb) living—

''(AA) on or near a reservation; or

''(BB) in or near any other Indian area.

''(II) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

''(III) INDIAN; INDIAN AREA.—The terms 'Indian' and 'Indian area' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(IV) INDIAN VETERAN.—The term 'Indian veteran' means an Indian who is a veteran.

''(V) PROGRAM.—The term 'Program' means the Tribal HUD–VASH program carried out under clause (ii).

''(VI) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(ii) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a rental assistance and supported housing program, to be known as the 'Tribal HUD–VASH program', in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

''(iii) MODEL.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administration in conjunction with the Secretary of Veterans Affairs.

''(II) EXCEPTIONS.—

''(aa) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(bb) SECRETARY OF VETERANS AFFAIRS.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary of Veterans Affairs may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(iv) ELIGIBLE RECIPIENTS.—The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

''(v) FUNDING CRITERIA.—The Secretary shall award grants under the Program based on—

''(I) need;

''(II) administrative capacity; and

''(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

''(vi) ADMINISTRATION.—Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall—

''(I) submit to the Secretary, in a manner prescribed by the Secretary, reports on the utilization of rental assistance provided under the Program; and

''(II) provide to the Secretary information specified by the Secretary to assess the effectiveness of the Program in serving eligible Indian veterans.

''(vii) CONSULTATION.—

''(I) GRANT RECIPIENTS; TRIBAL ORGANIZATIONS.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with eligible recipients and any other appropriate tribal organization on the design of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

''(II) INDIAN HEALTH SERVICE.—The Director of the Indian Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

''(viii) WAIVER.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

''(II) EXCEPTION.—The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

''(ix) RENEWAL GRANTS.—The Secretary may—

''(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

''(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

''(x) REPORTING.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

''(aa) conduct a review of the implementation of the Program, including any factors that may have limited its success; and

''(bb) submit a report describing the results of the review under item (aa) to—

''(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans' Affairs, and the Committee on Appropriations of the Senate; and

''(BB) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans' Affairs, and the Committee on Appropriations of the House of Representatives.

''(II) ANALYSIS OF HOUSING STOCK LIMITATION.—The Secretary shall include in the initial report submitted under subclause (I) a description of—

''(aa) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

''(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

''(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.''.

SEC. 5322. CONTINUUM OF CARE.

(a) DEFINITIONS.—In this section—

(1) the terms ''collaborative applicant'' and ''eligible entity'' have the meanings given those terms in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360); and

(2) the terms ''Indian tribe'' and ''tribally designated housing entity'' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(b) NONAPPLICATION OF CIVIL RIGHTS LAWS.—With respect to the funds made available for the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) under the heading ''Homeless Assistance Grants'' in the Department of Housing and Urban Development Appropriations Act, 2021 (Public Law 116–260) and under section 231 of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to applications by or awards for projects to be carried out—

(1) on or off reservation or trust lands for awards made to Indian tribes or tribally designated housing entities; or

(2) on reservation or trust lands for awards made to eligible entities.

(c) CERTIFICATION.—With respect to funds made available for the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) under the heading ''Homeless Assistance Grants'' under section 231 of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a)—

(1) applications for projects to be carried out on reservations or trust land shall contain a certification of consistency with an approved Indian housing plan developed under section 102 of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112), notwithstanding section 106 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12706) and section 403 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361);

(2) Indian tribes and tribally designated housing entities that are recipients of awards for projects on reservations or trust land shall certify that they are following an approved housing plan developed under section102 of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112); and

(3) a collaborative applicant for a Continuum of Care whose geographic area includes only reservation and trust land is not required to meet the requirement in section 402(f)(2) of the McKinney- Vento Homeless Assistance Act (42 U.S.C. 11360a(f)(2)).

SEC. 5323. LEVERAGING.

All funds provided under a grant made pursuant to this title or the amendments made by this title may be used for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program, provided that such grants made pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accordance with that Act.

TITLE LIV—TECHNICAL CORRECTION TO THE SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION WATER RIGHTS SETTLEMENT ACT OF 2022

SEC. 5401. SHORT TITLE.

This title may be cited as the ''Technical Correction to the Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act of 2022''.

SEC. 5402. AUTHORIZATION OF PAYMENT OF ADJUSTED INTEREST ON DEVELOPMENT FUND.

Section 10807(b)(3) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1409) is amended—

(1) by striking ''There is'' and inserting the following:

''(A) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(B) ADJUSTED INTEREST PAYMENTS.—There is authorized to be appropriated to the Secretary for deposit into the Development Fund $5,124,902.12.''.

TITLE LV—TRIBAL TRUST LAND HOMEOWNERSHIP ACT OF 2022

SEC. 5501. SHORT TITLE.

This title may be cited as the ''Tribal Trust Land Homeownership Act of 2022''.

SEC. 5502. DEFINITIONS.

In this title:

(1) APPLICABLE BUREAU OFFICE.—The term ''applicable Bureau office'' means—

(A) a Regional office of the Bureau;

(B) an Agency office of the Bureau; or

(C) a Land Titles and Records Office of the Bureau.

(2) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(3) DIRECTOR.—The term ''Director'' means the Director of the Bureau.

(4) FIRST CERTIFIED TITLE STATUS REPORT.—The term ''first certified title status report'' means the title status report needed to verify title status on Indian land.

(5) INDIAN LAND.—The term ''Indian land'' has the meaning given the term in section 162.003 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(6) LAND MORTGAGE.—The term ''land mortgage'' means a mortgage obtained by an individual Indian who owns a tract of trust land for the purpose of—

(A) home acquisition;

(B) home construction;

(C) home improvements; or

(D) economic development.

(7) LEASEHOLD MORTGAGE.—The term ''leasehold mortgage'' means a mortgage, deed of trust, or other instrument that pledges the leasehold interest of a lessee as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.

(8) MORTGAGE PACKAGE.—The term ''mortgage package'' means a proposed residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document submitted to an applicable Bureau office under section 5503(a)(1).

(9) RELEVANT FEDERAL AGENCY.—The term ''relevant Federal agency'' means any of the following Federal agencies that guarantee or make direct mortgage loans on Indian land:

(A) The Department of Agriculture.

(B) The Department of Housing and Urban Development.

(C) The Department of Veterans Affairs.

(10) RIGHT-OF-WAY DOCUMENT.—The term ''right-of-way document'' has the meaning

given the term in section 169.2 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(11) SUBSEQUENT CERTIFIED TITLE STATUS REPORT.—The term ''subsequent certified title status report'' means the title status report needed to identify any liens against a residential, business, or land lease on Indian land.

SEC. 5503. MORTGAGE REVIEW AND PROCESSING.

(a) REVIEW AND PROCESSING DEADLINES.—

(1) IN GENERAL.—As soon as practicable after receiving a proposed residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document, the applicable Bureau office shall notify the lender that the proposed residential leasehold mortgage, business leasehold mortgage, or right-of-way document has been received.

(2) PRELIMINARY REVIEW.—

(A) IN GENERAL.—Not later than 10 calendar days after receipt of a proposed residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document, the applicable Bureau office shall conduct and complete a preliminary review of the residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document to verify that all required documents are included.

(B) INCOMPLETE DOCUMENTS.—As soon as practicable, but not more than 2 calendar days, after finding that any required documents are missing under subparagraph (A), the applicable Bureau office shall notify the lender of the missing documents.

(3) APPROVAL OR DISAPPROVAL.—

(A) LEASEHOLD MORTGAGES.—Not later than 20 calendar days after receipt of a complete executed residential leasehold mortgage or business leasehold mortgage, proof of required consents, and other required documentation, the applicable Bureau office shall approve or disapprove the residential leasehold mortgage or business leasehold mortgage.

(B) RIGHT-OF-WAY DOCUMENTS.—Not later than 30 calendar days after receipt of a complete executed right-of-way document, proof of required consents, and other required documentation, the applicable Bureau office shall approve or disapprove the right-of-way document.

(C) LAND MORTGAGES.—Not later than 30 calendar days after receipt of a complete executed land mortgage, proof of required consents, and other required documentation, the applicable Bureau office shall approve or disapprove the land mortgage.

(D) REQUIREMENTS.—The determination of whether to approve or disapprove a residential leasehold mortgage or business leasehold mortgage under subparagraph (A), a right-of-way document under subparagraph (B), or a land mortgage under subparagraph (C)—

(i) shall be in writing; and

(ii) in the case of a determination to disapprove a residential leasehold mortgage, business leasehold mortgage, right-of-way document, or land mortgage shall, state the basis for the determination.

(E) APPLICATION.—This paragraph shall not apply to a residential leasehold mortgage or business leasehold mortgage with respect to Indian land in cases in which the applicant for the residential leasehold mortgage or business leasehold mortgage is an Indian tribe (as defined in subsection (d) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 126 Stat. 1150; 25 U.S.C. 415(d))) that has been approved for leasing under subsection (h) of that section (69 Stat. 539, chapter 615; 126 Stat. 1151; 25 U.S.C. 415(h)).

(4) CERTIFIED TITLE STATUS REPORTS.—

(A) COMPLETION OF REPORTS.—

(i) IN GENERAL.—Not later than 10 calendar days after the applicable Bureau office approves a residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document under paragraph (3), the applicable Bureau office shall complete the processing of, as applicable—

(I) a first certified title status report, if a first certified title status report was not completed prior to the approval of the residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document; and

(II) a subsequent certified title status report.

(ii) REQUESTS FOR FIRST CERTIFIED TITLE STATUS REPORTS.—Notwithstanding clause (i), not later than 14 calendar days after the applicable Bureau office receives a request for a first certified title status report from an applicant for a residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document under paragraph (1), the applicable Bureau office shall complete the processing of the first certified title status report.

(B) NOTICE.—

(i) IN GENERAL.—As soon as practicable after completion of the processing of, as applicable, a first certified title status report or a subsequent certified title status report under subparagraph (A), but by not later than the applicable deadline described in that subparagraph, the applicable Bureau office shall give notice of the completion to the lender.

(ii) FORM OF NOTICE.—The applicable Bureau office shall give notice under clause (i)—

(I) electronically through secure, encryption software; and

(II) through the United States mail.

(iii) OPTION TO OPT OUT.—The lender may opt out of receiving notice electronically under clause (ii)(I).

(b) NOTICES.—

(1) IN GENERAL.—If the applicable Bureau office does not complete the review and processing of mortgage packages under subsection (a) (including any corresponding first certified title status report or subsequent certified title status report under paragraph (4) of that subsection) by the applicable deadline described in that subsection, immediately after missing the deadline, the applicable Bureau office shall provide notice of the delay in review and processing to—

(A) the party that submitted the mortgage package or requested the first certified title status report; and

(B) the lender for which the mortgage package (including any corresponding first certified title status report or subsequent certified title status report) is being requested.

(2) REQUESTS FOR UPDATES.—In addition to providing the notices required under paragraph (1), not later than 2 calendar days after receiving a relevant inquiry with respect to a submitted mortgage package from the party that submitted the mortgage package or the lender for which the mortgage package (including any corresponding first certified title status report or subsequent certified title status report) is being requested or an inquiry with respect to a requested first certified title status report from the party that requested the first certified title status report, the applicable Bureau office shall respond to the inquiry.

(c) DELIVERY OF FIRST AND SUBSEQUENT CERTIFIED TITLE STATUS REPORTS.—Notwithstanding any other provision of law, any first certified title status report and any subsequent certified title status report, as applicable, shall be delivered directly to—

(1) the lender;

(2) any local or regional agency office of the Bureau that requests the first certified title status report or subsequent certified title status report;

(3) in the case of a proposed residential leasehold mortgage or land mortgage, the relevant Federal agency that insures or guarantees the loan; and

(4) if requested, any individual or entity described in section 150.303 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(d) ACCESS TO TRUST ASSET AND ACCOUNTING MANAGEMENT SYSTEM.—Beginning on the date of enactment of this Act, the relevant Federal agencies and Indian Tribes shall have read-only access to the Trust Asset and Accounting Management System maintained by the Bureau.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than March 1 of each calendar year, the Director shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing—

(A) for the most recent calendar year, the number of requests received to complete residential leasehold mortgage packages, business leasehold mortgage packages, land mortgage packages, and right-of-way document packages (including any requests for corresponding first certified title status reports and subsequent certified title status reports), including a detailed description of—

(i) requests that were and were not successfully completed by the applicable deadline described in subsection (a) by each applicable Bureau office; and

(ii) the reasons for each applicable Bureau office not meeting any applicable deadlines; and

(B) the length of time needed by each applicable Bureau office during the most recent calendar year to provide the notices required under subsection (b)(1).

(2) REQUIREMENT.—In submitting the report required under paragraph (1), the Director shall maintain the confidentiality of personally identifiable information of the parties involved in requesting the completion of residential leasehold mortgage packages, business leasehold mortgage packages, land mortgage packages, and right-of-way document packages (including any corresponding first certified title status reports and subsequent certified title status reports).

(f) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes—

(1) an evaluation of the need for residential leasehold mortgage packages, business leasehold mortgage packages, land mortgage packages, and right-of-way document packages of each Indian Tribe to be digitized for the purpose of streamlining and expediting the completion of mortgage packages for residential mortgages on Indian land (including the corresponding first certified title status reports and subsequent certified title status reports); and

(2) an estimate of the time and total cost necessary for Indian Tribes to digitize the records described in paragraph (1), in conjunction with assistance in that digitization from the Bureau.

SEC. 5504. ESTABLISHMENT OF REALTY OMBUDSMAN POSITION.

(a) IN GENERAL.—The Director shall establish within the Division of Real Estate Services of the Bureau the position of Realty Ombudsman, who shall report directly to the Secretary of the Interior.

(b) FUNCTIONS.—The Realty Ombudsman shall—

(1) ensure that the applicable Bureau offices are meeting the mortgage review and processing deadlines established by section 5503(a);

(2) ensure that the applicable Bureau offices comply with the notices required under subsections (a) and (b) of section 5503;

(3) serve as a liaison to other Federal agencies, including by—

(A) ensuring the Bureau is responsive to all of the inquiries from the relevant Federal agencies; and

(B) helping to facilitate communications between the relevant Federal agencies and the Bureau on matters relating to mortgages on Indian land;

(4) receive inquiries, questions, and complaints directly from Indian Tribes, members of Indian Tribes, and lenders in regard to executed residential leasehold mortgages, business leasehold mortgages, land mortgages, or right-of-way documents; and

(5) serve as the intermediary between the Indian Tribes, members of Indian Tribes, and lenders and the Bureau in responding to inquiries and questions and resolving complaints.

TITLE LVI—CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION LEASING AUTHORITY

SEC. 5601. CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION LEASING AUTHORITY.

Subsection (a) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415(a)), is amended, in the second sentence, by inserting '', land held in trust for the Confederated Tribes of the Chehalis Reservation'' after ''Crow Tribe of Montana''.

TITLE LVII—SAFEGUARD TRIBAL OBJECTS OF PATRIMONY ACT OF 2022

SEC. 5701. SHORT TITLE.

This title may be cited as the ''Safeguard Tribal Objects of Patrimony Act of 2022''.

SEC. 5702. PURPOSES.

The purposes of this title are—

(1) to carry out the trust responsibility of the United States to Indian Tribes;

(2) to increase the maximum penalty for actions taken in violation of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), in order to strengthen deterrence;

(3) to stop the export, and facilitate the international repatriation, of cultural items prohibited from being trafficked by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act) and archaeological resources prohibited from being trafficked by the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) by—

(A) explicitly prohibiting the export;

(B) creating an export certification system; and

(C) confirming the authority of the President to request from foreign nations agreements or provisional measures to prevent irremediable damage to Native American cultural heritage;

(4) to establish a Federal framework in order to support the voluntary return by individuals and organizations of items of tangible cultural heritage, including items covered by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act) and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(5) to establish an interagency working group to ensure communication between Federal agencies to successfully implement this Act, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), and other relevant Federal laws;

(6) to establish a Native working group of Indian Tribes and Native Hawaiian organizations to assist in the implementation of this title, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), and other relevant Federal laws;

(7) to exempt from disclosure under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'')—

(A) information submitted by Indian Tribes or Native Hawaiian organizations pursuant to this title; and

(B) information relating to an Item Requiring Export Certification for which an export certification was denied pursuant to this title; and

(8) to encourage buyers to purchase legal contemporary art made by Native artists for commercial purposes.

SEC. 5703. DEFINITIONS.

In this title:

(1) ARCHAEOLOGICAL RESOURCE.—The term ''archaeological resource'' means an archaeological resource (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) that is Native American.

(2) CULTURAL AFFILIATION.—The term ''cultural affiliation'' means that there is a relationship of shared group identity that can be reasonably traced historically or prehistorically between a present day Indian Tribe or Native Hawaiian organization and an identifiable earlier group.

(3) CULTURAL ITEM.—The term ''cultural item'' means any 1 or more cultural items (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(4) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

(5) ITEM PROHIBITED FROM EXPORTATION.—The term ''Item Prohibited from Exportation'' means—

(A) a cultural item prohibited from being trafficked, including through sale, purchase, use for profit, or transport for sale or profit, by—

(i) section 1170(b) of title 18, United States Code, as added by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); or

(ii) any other Federal law or treaty; and

(B) an archaeological resource prohibited from being trafficked, including through sale, purchase, exchange, transport, receipt, or offer to sell, purchase, or exchange, including in interstate or foreign commerce, by—

(i) subsections (b) and (c) of section 6 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ee); or

(ii) any other Federal law or treaty.

(6) ITEM REQUIRING EXPORT CERTIFICATION.—

(A) IN GENERAL.—The term ''Item Requiring Export Certification'' means—

(i) a cultural item; and

(ii) an archaeological resource.

(B) EXCLUSION.—The term ''Item Requiring Export Certification'' does not include an item described in clause (i) or (ii) of subparagraph (A) for which an Indian Tribe or Native Hawaiian organization with a cultural affiliation with the item has provided a certificate authorizing exportation of the item.

(7) NATIVE AMERICAN.—The term ''Native American'' means—

(A) Native American (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)); and

(B) Native Hawaiian (as so defined).

(8) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' has the meaning given the term in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) TANGIBLE CULTURAL HERITAGE.—The term ''tangible cultural heritage'' means—

(A) Native American human remains; or

(B) culturally, historically, or archaeologically significant objects, resources, patrimony, or other items that are affiliated with a Native American culture.

SEC. 5704. ENHANCED NAGPRA PENALTIES.

Section 1170 of title 18, United States Code, is amended—

(1) by striking ''5 years'' each place it appears and inserting ''10 years''; and

(2) in subsection (a), by striking ''12 months'' and inserting ''1 year and 1 day''.

SEC. 5705. EXPORT PROHIBITIONS; EXPORT CERTIFICATION SYSTEM; INTERNATIONAL AGREEMENTS.

(a) EXPORT PROHIBITIONS.—

(1) IN GENERAL.—It shall be unlawful for any person—

(A) to export, attempt to export, or otherwise transport from the United States any Item Prohibited from Exportation;

(B) to conspire with any person to engage in an activity described in subparagraph (A); or

(C) to conceal an activity described in subparagraph (A).

(2) PENALTIES.—Any person who violates paragraph (1) and knows, or in the exercise of due care should have known, that the Item Prohibited from Exportation was taken, possessed, transported, or sold in violation of, or in a manner unlawful under, any Federal law or treaty, shall be fined in accordance with section 3571 of title 18, United States Code, imprisoned for not more than 1 year and 1 day for a first violation, and not more than 10 years for a second or subsequent violation, or both.

(3) DETENTION, FORFEITURE, AND REPATRIATION.—

(A) DETENTION AND DELIVERY.—The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall—

(i) detain any Item Prohibited from Exportation that is exported, attempted to be exported, or otherwise transported from the United States in violation of paragraph (1); and

(ii) deliver the Item Prohibited from Exportation to the Secretary.

(B) FORFEITURE.—Any Item Prohibited from Exportation that is exported, attempted to be exported, or otherwise transported from the United States in violation of paragraph (1) shall be subject to forfeiture to the United States in accordance with chapter 46 of title 18, United States Code (including section 983(c) of that chapter).

(C) REPATRIATION.—Any Item Prohibited from Exportation that is forfeited under subparagraph (B) shall be expeditiously repatriated to the appropriate Indian Tribe or Native Hawaiian organization in accordance with, as applicable—

(i) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act); or

(ii) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

(b) EXPORT CERTIFICATION SYSTEM.—

(1) EXPORT CERTIFICATION REQUIREMENT.—

(A) IN GENERAL.—No Item Requiring Export Certification may be exported from the United States without first having obtained an export certification in accordance with this subsection.

(B) PUBLICATION.—The Secretary, in consultation with Indian Tribes and Native Hawaiian organizations, shall publish in the Federal Register a notice that includes—

(i) a description of characteristics typical of Items Requiring Export Certification, which shall—

(I) include the definitions of the terms—

(aa) ''cultural items'' in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001); and

(bb) ''archaeological resource'' in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb);

(II) describe the provenance requirements associated with the trafficking prohibition applicable to—

(aa) cultural items under section 1170(b) of title 18, United States Code; and

(bb) archaeological resources under subsections (b) and (c) of section 6 of Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ee);

(III)(aa) include the definitions of the terms ''Native American'' and ''Native Hawaiian'' in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001); and

(bb) describe how those terms apply to archaeological resources under this title; and

(IV) be sufficiently specific and precise to ensure that—

(aa) an export certification is required only for Items Requiring Export Certification; and

(bb) fair notice is given to exporters and other persons regarding which items require an export certification under this subsection; and

(ii) a description of characteristics typical of items that do not qualify as Items Requiring Export Certification and therefore do not require an export certification under this subsection, which shall clarify that—

(I) an item made solely for commercial purposes is presumed to not qualify as an Item Requiring Export Certification, unless an Indian Tribe or Native Hawaiian organization challenges that presumption; and

(II) in some circumstances, receipts or certifications issued by Indian Tribes or Native Hawaiian organizations with a cultural affiliation with an item may be used as evidence to demonstrate a particular item does not qualify as an Item Requiring Export Certification.

(2) ELIGIBILITY FOR EXPORT CERTIFICATION.—An Item Requiring Export Certification is eligible for an export certification under this subsection if—

(A) the Item Requiring Export Certification is not under ongoing Federal investigation;

(B) the export of the Item Requiring Export Certification would not otherwise violate any other provision of law; and

(C) the Item Requiring Export Certification—

(i) is not an Item Prohibited from Exportation;

(ii) was excavated or removed pursuant to a permit issued under section 4 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470cc) and in compliance with section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)), if the permit for excavation or removal authorizes export; or

(iii) is accompanied by written confirmation from the Indian Tribe or Native Hawaiian organization with authority to alienate the Item Requiring Export Certification that—

(I) the exporter has a right of possession (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) of the Item Requiring Export Certification; or

(II) the Indian Tribe or Native Hawaiian organization has relinquished title or control of the Item Requiring Export Certification in accordance with section 3 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002).

(3) EXPORT CERTIFICATION APPLICATION AND ISSUANCE PROCEDURES.—

(A) APPLICATIONS FOR EXPORT CERTIFICATION.—

(i) IN GENERAL.—An exporter seeking to export an Item Requiring Export Certification from the United States shall submit to the Secretary an export certification application in accordance with clause (iii).

(ii) CONSEQUENCES OF FALSE STATEMENT.—Any willful or knowing false statement made on an export certification application form under clause (i) shall—

(I) subject the exporter to criminal penalties pursuant to section 1001 of title 18, United States Code; and

(II) prohibit the exporter from receiving an export certification for any Item Requiring Export Certification in the future unless the exporter submits additional evidence in accordance with subparagraph (B)(iii)(I).

(iii) FORM OF EXPORT CERTIFICATION APPLICATION.—The Secretary, in consultation with Indian Tribes and Native Hawaiian organizations, and at the discretion of the Secretary, in consultation with third parties with relevant expertise, including institutions of higher education, museums, dealers, and collector organizations, shall develop an export certification application form, which shall require that an applicant—

(I) describe, and provide pictures of, each Item Requiring Export Certification that the applicant seeks to export;

(II) include all available information regarding the provenance of each such Item Requiring Export Certification; and

(III) include the attestation described in subparagraph (B)(i).

(B) EVIDENCE.—

(i) IN GENERAL.—In completing an export certification application with respect to an Item Requiring Export Certification that the exporter seeks to export, the exporter shall attest that, to the best of the knowledge and belief of the exporter, the exporter is not attempting to export an Item Prohibited from Exportation.

(ii) SUFFICIENCY OF ATTESTATION.—An attestation under clause (i) shall be considered to be sufficient evidence to support the application of the exporter under subparagraph (A)(iii)(III), on the condition that the exporter is not required to provide additional evidence under clause (iii)(I).

(iii) ADDITIONAL REQUIREMENTS.—

(I) IN GENERAL.—The Secretary shall give notice to an exporter that submits an export certification application under subparagraph (A)(i) that the exporter is required to submit additional evidence in accordance with subclause (III) if the Secretary has determined under subparagraph (A)(ii) that the exporter made a willful or knowing false statement on the application or any past export certification application.

(II) DELAYS OR DENIALS.—The Secretary shall give notice to an exporter that submits an export certification application under subparagraph (A)(i) that the exporter may submit additional evidence in accordance with subclause (III) if the issuance of an export certification is—

(aa) delayed pursuant to the examination by the Secretary of the eligibility of the Item Requiring Export Certification for an export certification; or

(bb) denied by the Secretary because the Secretary determined that the Item Requiring Export Certification is not eligible for an export certification under this subsection.

(III) ADDITIONAL EVIDENCE.—On receipt of notice under subclause (I), an exporter shall, or on receipt of a notice under subclause (II), an exporter may, provide the Secretary with such additional evidence as the Secretary may require to establish that the Item Requiring Export Certification is eligible for an export certification under this subsection.

(C) DATABASE APPLICATIONS.—

(i) IN GENERAL.—The Secretary shall establish and maintain a secure central Federal database information system (referred to in this subparagraph as the ''database'') for the purpose of making export certification applications available to Indian Tribes and Native Hawaiian organizations.

(ii) COLLABORATION REQUIRED.—The Secretary shall collaborate with Indian Tribes, Native Hawaiian organizations, and the interagency working group convened under section 7(a) in the design and implementation of the database.

(iii) AVAILABILITY.—Immediately on receipt of an export certification application, the Secretary shall make the export certification application available on the database.

(iv) DELETION FROM DATABASE.—On request by an Indian Tribe or Native Hawaiian organization, the Secretary shall delete an export certification application from the database.

(v) TECHNICAL ASSISTANCE.—If an Indian Tribe or Native Hawaiian organization lacks sufficient resources to access the database or respond to agency communications in a timely manner, the Secretary, in consultation with Indian Tribes and Native Hawaiian organizations, shall provide technical assistance to facilitate that access or response, as applicable.

(D) ISSUANCE OF EXPORT CERTIFICATION.—

(i) On receipt of an export certification application for an Item Requiring Export Certification that meets the requirements of subparagraphs (A) and (B), if the Secretary, in consultation with Indian Tribes and Native Hawaiian organizations with a cultural affiliation with the Item Requiring Export Certification, determines that the Item Requiring Export Certification is eligible for an export certification under paragraph (2), the Secretary may issue an export certification for the Item Requiring Export Certification.

(ii) On receipt of an export certification application for an Item Requiring Export Certification that meets the requirements of subparagraphs (A) and (B)—

(I) the Secretary shall have 1 business day to notify the relevant Indian Tribes and Native Hawaiian Organizations of an application for export of an Item Requiring Export Certification;

(II) Indian Tribes and Native Hawaiian organizations shall have 9 business days to review the export certification application;

(III) if an Indian Tribe or Native Hawaiian organization notifies the Secretary that the Item Requiring Export Certification may not be eligible for an export certification under paragraph (2), the Secretary shall have 7 business days to review the application;

(IV) if no Indian Tribe or Native Hawaiian organization so notifies the Secretary, the Secretary shall have 1 business day to review the application;

(V) with notice to the exporter, the Secretary may extend the review of an application for up to 30 business days if credible evidence is provided that the Item Requiring Export Certification may not be eligible for an export certification under paragraph (2); and

(VI) the Secretary shall make a determination to approve or deny the export certification application within the time allotted.

(E) REVOCATION OF EXPORT CERTIFICATION.—

(i) IN GENERAL.—If credible evidence is provided that indicates that an item that received an export certification under subparagraph (D) is not eligible for an export certification under paragraph (2), the Secretary may immediately revoke the export certification.

(ii) DETERMINATION.—In determining whether a revocation is warranted under clause (i), the Secretary shall consult with Indian Tribes and Native Hawaiian organizations with a cultural affiliation with the affected Item Requiring Export Certification.

(4) DETENTION, FORFEITURE, REPATRIATION, AND RETURN.—

(A) DETENTION AND DELIVERY.—The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall—

(i) detain any Item Requiring Export Certification that an exporter attempts to export or otherwise transport without an export certification; and

(ii) deliver the Item Requiring Export Certification to the Secretary, for seizure by the Secretary.

(B) FORFEITURE.—Any Item Requiring Export Certification that is detained under subparagraph (A)(i) shall be subject to forfeiture to the United States in accordance with chapter 46 of title 18, United States Code (including section 983(c) of that chapter).

(C) REPATRIATION OR RETURN TO EXPORTER.—

(i) IN GENERAL.—Not later than 60 days after the date of delivery to the Secretary of an Item Requiring Export Certification under subparagraph (A)(ii), the Secretary shall determine whether the Item Requiring Export Certification is an Item Prohibited from Exportation.

(ii) REPATRIATION.—If an Item Requiring Export Certification is determined by the Secretary to be an Item Prohibited from Exportation and is forfeited under subparagraph (B), the item shall be expeditiously repatriated to the appropriate Indian Tribe or Native Hawaiian organization in accordance with, as applicable—

(I) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act); or

(II) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

(iii) RETURN TO EXPORTER.—

(I) IN GENERAL.—If the Secretary determines that credible evidence does not establish that the Item Requiring Export Certification is an Item Prohibited from Exportation, or if the Secretary does not complete the determination by the deadline described in clause (i), the Secretary shall return the Item Requiring Export Certification to the exporter.

(II) EFFECT.—The return of an Item Requiring Export Certification to an exporter under subclause (I) shall not mean that the Item Requiring Export Certification is eligible for an export certification under this subsection.

(5) PENALTIES.—

(A) ITEMS REQUIRING EXPORT CERTIFICATION.—

(i) IN GENERAL.—It shall be unlawful for any person to export, attempt to export, or otherwise transport from the United States any Item Requiring Export Certification without first obtaining an export certification.

(ii) PENALTIES.—Except as provided in subparagraph (D), any person who violates clause (i) shall be—

(I) assessed a civil penalty in accordance with such regulations as the Secretary promulgates pursuant to section 10; and

(II) subject to any other applicable penalties under this title.

(B) ITEMS PROHIBITED FROM EXPORTATION.—Whoever exports an Item Prohibited from Exportation without first securing an export certification shall be liable for a civil money penalty, the amount of which shall equal the total cost of storing and repatriating the Item Prohibited from Exportation.

(C) USE OF FINES COLLECTED.—Any amounts collected by the Secretary as a civil penalty under subparagraph (A)(ii)(I) or (B) shall be credited to the currently applicable appropriation, account, or fund of the Department of the Interior as discretionary offsetting collections and shall be available only to the extent and in the amounts provided in advance in appropriations Acts—

(i) to process export certification applications under this subsection; and

(ii) to store and repatriate the Item Prohibited from Exportation.

(D) VOLUNTARY RETURN.—

(i) IN GENERAL.—Any person who attempts to export or otherwise transport from the United States an Item Requiring Export Certification without first obtaining an export certification, but voluntarily returns the Item Requiring Export Certification, or directs the Item Requiring Export Certification to be returned, to the appropriate Indian Tribe or Native Hawaiian organization in accordance with section 6 prior to the commencement of an active Federal investigation shall not be prosecuted for a violation of subparagraph (A) with respect to the Item Requiring Export Certification.

(ii) ACTIONS NOT COMMENCING A FEDERAL INVESTIGATION.—For purposes of clause (i), the following actions shall not be considered to be actions that commence an active Federal investigation:

(I) The submission by the exporter of an export certification application for the Item Requiring Export Certification under paragraph (3)(A)(i).

(II) The detention of the Item Requiring Export Certification by the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, under paragraph (4)(A)(i).

(III) The delivery to the Secretary of the Item Requiring Export Certification by the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, under paragraph (4)(A)(ii).

(IV) The seizure by the Secretary of the Item Requiring Export Certification under paragraph (4)(A)(ii).

(6) FEES.—

(A) IN GENERAL.—The Secretary may assess reasonable fees limited to the cost of processing export certification applications under this subsection, subject to subparagraph (B).

(B) AVAILABILITY OF AMOUNTS COLLECTED.—Fees authorized under subparagraph (A) shall be collected and available only to the extent and in the amounts provided in advance in appropriations Acts.

(7) ADMINISTRATIVE APPEAL.—If the Secretary denies an export certification or an Item Requiring Export Certification is detained under this subsection, the exporter, on request, shall be given a hearing on the record in accordance with such rules and regulations as the Secretary promulgates pursuant to section 10.

(8) TRAINING.—

(A) IN GENERAL.—The Secretary, the Secretary of State, the Attorney General, and the heads of all other relevant Federal agencies shall require all appropriate personnel to participate in training regarding applicable laws and consultations to facilitate positive government-to-government interactions with Indian Tribes and Native Hawaiian Organizations.

(B) U.S. CUSTOMS AND BORDER PROTECTION TRAINING.—The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall require all appropriate personnel of U.S. Customs and Border Protection to participate in training provided by the Secretary of the Interior or an Indian Tribe or Native Hawaiian organization to assist the personnel in identifying, handling, and documenting in a culturally sensitive manner Items Requiring Export Certification for purposes of this title.

(C) CONSULTATION.—In developing or modifying and delivering trainings under subparagraphs (A) and (B), the applicable heads of Federal agencies shall consult with Indian Tribes and Native Hawaiian organizations.

(c) AGREEMENTS TO REQUEST RETURN FROM FOREIGN COUNTRIES.—The President may request from foreign nations agreements that specify concrete measures that the foreign nation will carry out—

(1) to discourage commerce in, and collection of, Items Prohibited from Exportation;

(2) to encourage the voluntary return of tangible cultural heritage; and

(3) to expand the market for the products of Indian art and craftsmanship in accordance with section 2 of the Act of August 27, 1935 (49 Stat. 891, chapter 748; 25 U.S.C. 305a) (commonly known as the ''Indian Arts and Crafts Act'').

SEC. 5706. VOLUNTARY RETURN OF TANGIBLE CULTURAL HERITAGE.

(a) LIAISON.—The Secretary and the Secretary of State shall each designate a liaison to facilitate the voluntary return of tangible cultural heritage.

(b) TRAININGS AND WORKSHOPS.—The liaisons designated under subsection (a) shall offer to representatives of Indian Tribes and Native Hawaiian organizations and collectors, dealers, and other individuals and organizations trainings and workshops regarding the voluntary return of tangible cultural heritage.

(c) REFERRALS.—

(1) IN GENERAL.—The Secretary shall refer individuals and organizations to 1 or more Indian Tribes and Native Hawaiian organizations with a cultural affiliation to tangible cultural heritage for the purpose of facilitating the voluntary return of tangible cultural heritage.

(2) REFERRAL REPRESENTATIVES.—The Secretary shall compile a list of representatives from each Indian Tribe and Native Hawaiian organization for purposes of referral under paragraph (1).

(3) CONSULTATION.—The Secretary shall consult with Indian Tribes, Native Hawaiian organizations, and the Native working group convened under section 8(a) before making a referral under paragraph (1).

(4) THIRD-PARTY EXPERTS.—The Secretary may use third parties with relevant expertise, including institutions of higher education, museums, dealers, and collector organizations, in determining to which Indian Tribe or Native Hawaiian organization an individual or organization should be referred under paragraph (1).

(d) LEGAL LIABILITY.—Nothing in this section imposes on any individual or entity any additional penalties or legal liability.

(e) TAX DOCUMENTATION.—In facilitating the voluntary return of tangible cultural

heritage under this section, the Secretary shall include provision of tax documentation for a deductible gift to an Indian Tribe or Native Hawaiian organization, if the recipient Indian Tribe or Native Hawaiian organization consents to the provision of tax documentation.

(f) REPATRIATION UNDER NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT.—The voluntary return provisions of this section shall apply to a specific item of tangible cultural heritage only to the extent that the repatriation provisions under section 7 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3005) do not apply to the item of tangible cultural heritage.

SEC. 5707. INTERAGENCY WORKING GROUP.

(a) IN GENERAL.—The Secretary shall designate a coordinating office to convene an interagency working group consisting of representatives from the Departments of the Interior, Justice, State, and Homeland Security.

(b) GOALS.—The goals of the interagency working group convened under subsection (a) are—

(1) to facilitate the repatriation to Indian Tribes and Native Hawaiian organizations of items that have been illegally removed or trafficked in violation of applicable law;

(2) to protect tangible cultural heritage, cultural items, and archaeological resources still in the possession of Indian Tribes and Native Hawaiian organizations; and

(3) to improve the implementation by the applicable Federal agencies of—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, United States Code, as added by that Act);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.); and

(C) other relevant Federal laws.

(c) RESPONSIBILITIES.—The interagency working group convened under subsection (a) shall—

(1) aid in implementation of this title and the amendments made by this title, including by aiding in—

(A) the voluntary return of tangible cultural heritage under section 6; and

(B) halting international sales of items that are prohibited from being trafficked under Federal law; and

(2) collaborate with—

(A) the Native working group convened under section 8(a);

(B) the review committee established under section 8(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(a));

(C) the Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114–151; 19 U.S.C. 2601 note); and

(D) any other relevant committees and working groups.

SEC. 5708. NATIVE WORKING GROUP.

(a) IN GENERAL.—The Secretary shall convene a Native working group consisting of not fewer than 12 representatives of Indian Tribes and Native Hawaiian organizations with relevant expertise, who shall be nominated by Indian Tribes and Native Hawaiian organizations, to advise the Federal Government in accordance with this section.

(b) RECOMMENDATIONS.—The Native working group convened under subsection (a) may provide recommendations regarding—

(1) the voluntary return of tangible cultural heritage by collectors, dealers, and other individuals and non-Federal organizations that hold such tangible cultural heritage; and

(2) the elimination of illegal commerce of cultural items and archaeological resources in the United States and foreign markets.

(c) REQUESTS.—The Native working group convened under subsection (a) may make formal requests to initiate certain agency actions, including requests that—

(1) the Department of Justice initiate judicial proceedings domestically or abroad to aid in the repatriation cultural items and archaeological resources; and

(2) the Department of State initiate dialogue through diplomatic channels to aid in that repatriation.

(d) AGENCY AND COMMITTEE ASSISTANCE.—

(1) IN GENERAL.—On request by the Native working group convened under subsection (a), the agencies and committees described in paragraph (2) shall make efforts to provide information and assistance to the Native working group.

(2) DESCRIPTION OF AGENCIES AND COMMITTEES.—The agencies and committees referred to in paragraph (1) are the following:

(A) The Department of the Interior.

(B) The Department of Justice.

(C) The Department of Homeland Security.

(D) The Department of State.

(E) The review committee established under section 8(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(a)).

(F) The Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114–151; 19 U.S.C. 2601 note).

(G) Any other relevant Federal agency, committee, or working group.

(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Native working group convened under subsection (a).

SEC. 5709. TREATMENT UNDER FREEDOM OF INFORMATION ACT.

(a) IN GENERAL.—Except as provided in subsection (c), the following information shall be exempt from disclosure under section 552 of title 5, United States Code:

(1) Information that a representative of an Indian Tribe or Native Hawaiian organization—

(A) submits to a Federal agency pursuant to this title or an amendment made by this title; and

(B) designates as sensitive or private according to Native American custom, law, culture, or religion.

(2) Information that any person submits to a Federal agency pursuant to this title or an amendment made by this title that relates to an item for which an export certification is denied under this title.

(b) APPLICABILITY.—For purposes of subsection (a), this title shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.

(c) EXCEPTION.—An Indian Tribe or Native Hawaiian organization may request and shall receive its own information, as described in subsection (a), from the Federal agency to which the Indian Tribe or Native Hawaiian organization submitted the information.

SEC. 5710. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, and after consultation with Indian Tribes and Native Hawaiian organizations, shall promulgate rules and regulations to carry out this title.

SEC. 5711. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $3,000,000 for each of fiscal years 2022 through 2027.

SEC. 5712. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this title, 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 title, 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.

TITLE LVIII—DON YOUNG ALASKA NATIVE HEALTH CARE LAND TRANSFERS ACT OF 2022

SEC. 5801. SHORT TITLE.

This title may be cited as the ''Don Young Alaska Native Health Care Land Transfers Act of 2022''.

SEC. 5802. DEFINITIONS.

For the purposes of this title:

(1) CONSORTIA.—The term ''Consortia'' means the Alaska Native Tribal Health Consortium and Southeast Alaska Regional Health Consortium.

(2) COUNCIL.—The term ''Council'' means the Tanana Tribal Council located in Tanana, Alaska.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 5803. CONVEYANCES OF PROPERTY.

(a) CONVEYANCE OF PROPERTY TO THE TANANA TRIBAL COUNCIL.—

(1) IN GENERAL.—As soon as practicable, but not later than 180 days, after the date of the enactment of this Act, the Secretary shall convey to the Council all right, title, and interest of the United States in and to the property described in paragraph (2) for use in connection with health and social services programs.

(2) PROPERTY DESCRIBED.—The property referred to in paragraph (1), including all land, improvements, and appurtenances, described in this paragraph is the property included in U.S. Survey No. 5958 in the village of Tanana, Alaska, within surveyed lot 12, T. 4 N., R. 22 W., Fairbanks Meridian, Alaska, containing approximately 11.25 acres.

(b) CONVEYANCE OF PROPERTY TO THE SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM.—

(1) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date of the enactment of this Act, the Secretary shall convey to the Southeast Alaska Regional Health Consortium located in Sitka, Alaska, all right, title, and interest of the United States in and to the property described in paragraph (2) for use in connection with health and social services programs.

(2) PROPERTY DESCRIBED.—The property referred to in paragraph (1), including all land and appurtenances, described in this paragraph is the property included in U.S. Survey 1496, lots 4 and 7, partially surveyed T. 55 S., R. 63 E., Copper River Meridian, containing approximately 10.87 acres in Sitka, Alaska.

(c) CONVEYANCE OF PROPERTY TO THE ALASKA NATIVE TRIBAL HEALTH CONSORTIUM.—

(1) IN GENERAL.—As soon as practicable, but not later than 1 year, after the date of the enactment of this Act, the Secretary shall convey to the Alaska Native Tribal Health Consortium located in Anchorage, Alaska, all right, title, and interest of the United States in and to the property described in paragraph (2) for use in connection with health programs.

(2) PROPERTY DESCRIBED.—The property referred to in paragraph (1), including all land, improvements, and appurtenances, is the following:

(A) Lot 1A in Block 31A, East Addition, Anchorage Townsite, United States Survey

No. 408, Plat No. 96–117, recorded on November 22, 1996, in the Anchorage Recording District.

(B) Block 32C, East Addition, Anchorage Townsite, United States Survey No. 408, Plat No. 96–118, recorded on November 22, 1996, in the Anchorage Recording District.

SEC. 5804. CONDITIONS OF THE CONVEYANCE OF THE PROPERTIES.

(a) CONDITIONS.—The conveyance of the properties under section 5803—

(1) shall be made by warranty deed; and

(2) shall not—

(A) require any consideration from the Consortia or the Council for the property;

(B) impose any obligation, term, or condition on the Consortia or the Council regarding the property; or

(C) allow for any reversionary interest of the United States in the property.

(b) EFFECT ON ANY QUITCLAIM DEED.—The conveyance by the Secretary of title by warranty deed under subsection (a)(1) shall, on the effective date of the conveyance, supersede and render of no future effect any quitclaim deed to the properties described in section 5803 executed by the Secretary and the Consortia or the Council.

SEC. 5805. ENVIRONMENTAL LIABILITY.

(a) LIABILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, neither the Consortia nor the Council shall be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the property described in section 5803 that occurred on or before the date on which the Consortia or the Council controlled, occupied, and used the properties.

(2) ENVIRONMENTAL CONTAMINATION.—An environmental contamination described in paragraph (1) includes any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law.

(b) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed under this title as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

(c) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—In carrying out this section, the Secretary shall comply with section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(d) LIMITATION ON APPLICABILITY.—The provisions in this section apply only to the property conveyances specifically required by this title.

TITLE LIX—RESPECT ACT

SEC. 5901. SHORT TITLE.

This title may be cited as the ''Repealing Existing Substandard Provisions Encouraging Conciliation with Tribes Act'' or the ''RESPECT Act''.

SEC. 5902. REPEAL OF CERTAIN OBSOLETE LAWS RELATING TO INDIANS.

(1) Section 2080 of the Revised Statutes (25 U.S.C. 72) is repealed.

(2) Section 2100 of the Revised Statutes (25 U.S.C. 127) is repealed.

(3) Section 2 of the Act of March 3, 1875 (18 Stat. 449, chapter 132; 25 U.S.C. 128), is repealed.

(4) The first section of the Act of March 3, 1875 (18 Stat. 424, chapter 132; 25 U.S.C. 129), is amended under the heading ''CHEYENNES AND ARAPAHOES.'' by striking ''; that the Secretary of the Interior be authorized to withhold, from any tribe of Indians who may hold any captives other than Indians, any moneys due them from the United States until said captives shall be surrendered to the lawful authorities of the United States''.

(5) Section 2087 of the Revised Statutes (25 U.S.C. 130) is repealed.

(6) Section 3 of the Act of March 3, 1875 (18 Stat. 449, chapter 132; 25 U.S.C. 137), is repealed.

(7) Section 2101 of the Revised Statutes (25 U.S.C. 138) is repealed.

(8) Section 7 of the Act of June 23, 1879 (21 Stat. 35, chapter 35; 25 U.S.C. 273), is repealed.

(9) The first section of the Act of March 3, 1893 (27 Stat. 612, chapter 209), is amended—

(A) under the heading ''MISCELLANEOUS SUPPORTS.'' (27 Stat. 628; 25 U.S.C. 283), by striking the last 2 undesignated paragraphs; and

(B) under the heading ''FOR SUPPORT OF SCHOOLS.'' (27 Stat. 635; 25 U.S.C. 283), by striking the second undesignated paragraph.

(10) Section 18 of the Act of June 30, 1913 (38 Stat. 96, chapter 4; 25 U.S.C. 285), is amended by striking the tenth undesignated paragraph.

(11) The Act of June 21, 1906 (34 Stat. 325, chapter 3504), is amended under the heading ''COMMISSIONER.'' under the heading ''I. GENERAL PROVISIONS.'' (34 Stat. 328; 25 U.S.C. 302) by striking the fourth undesignated paragraph.

TITLE LX—AGUA CALIENTE LAND EXCHANGE FEE TO TRUST CONFIRMATION ACT

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Agua Caliente Land Exchange Fee to Trust Confirmation Act''.

SEC. 6002. LAND TO BE TAKEN INTO TRUST FOR THE BENEFIT OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS.

(a) IN GENERAL.—The approximately 2,560 acres of land owned by the Agua Caliente Band of Cahuilla Indians generally depicted as ''Lands to be Taken into Trust'' on the map entitled ''Agua Caliente Band of Cahuilla Indians Land to be Taken into Trust'' and dated November 17, 2021, is hereby taken into trust by the United States for the benefit of the Agua Caliente Band of Cahuilla Indians.

(b) ADMINISTRATION.—Land taken into trust by subsection (a) shall be—

(1) part of the reservation of the Agua Caliente Band of Cahuilla Indians; and

(2) administered in accordance with the laws and regulations generally applicable to property held in trust by the United States for the benefit of an Indian Tribe.

(c) GAMING PROHIBITED.—Land taken into trust by subsection (a) shall not be eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

TITLE LXI—URBAN INDIAN HEALTH CONFER ACT

SEC. 6101. SHORT TITLE.

This title may be cited as the ''Urban Indian Health Confer Act''.

SEC. 6102. URBAN INDIAN ORGANIZATION CONFER POLICY.

Section 514(b) of the Indian Health Care Improvement Act (25 U.S.C. 1660d) is amended to read as follows:

''(b) REQUIREMENT.—The Secretary shall ensure that the Service and the other agencies and offices of the Department confer, to the maximum extent practicable, with urban Indian organizations in carrying out—

''(1) this Act; and

''(2) other provisions of law relating to Indian health care.''.

TITLE LXII—OLD PASCUA COMMUNITY LAND ACQUISITION ACT

SEC. 6201. SHORT TITLE.

This title may be cited as the ''Old Pascua Community Land Acquisition Act''.

SEC. 6202. DEFINITIONS.

In this title:

(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.

SEC. 6203. 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 Tribe.

SEC. 6204. 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.

SEC. 6205. REAFFIRMATION OF STATUS AND ACTIONS.

(a) ADMINISTRATION.—Land placed into trust pursuant to this title shall—

(1) 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

(2) be deemed to have been acquired and taken into trust on September 18, 1978.

(b) RULES OF CONSTRUCTION.—Nothing in this title shall—

(1) 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;

(2) affect any water right of the Tribe in existence before the date of the enactment of this Act;

(3) 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

(4) 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.

TITLE LXIII—NATIVE AMERICAN TOURISM GRANT PROGRAMS

SEC. 6301. NATIVE AMERICAN TOURISM GRANT PROGRAMS.

The Native American Tourism and Improving Visitor Experience Act (25 U.S.C. 4351 et seq.) is amended—

(1) by redesignating section 6 (25 U.S.C. 4355) as section 7; and

(2) by inserting after section 5 (25 U.S.C. 4354) the following:

''SEC. 6. NATIVE AMERICAN TOURISM GRANT PROGRAMS.

''(a) BUREAU OF INDIAN AFFAIRS PROGRAM.—The Director of the Bureau of Indian Affairs may make grants to and enter into agreements with Indian tribes and tribal organizations to carry out the purposes of this Act, as described in section 2.

''(b) OFFICE OF NATIVE HAWAIIAN RELATIONS.—The Director of the Office of Native Hawaiian Relations may make grants to and enter into agreements with Native Hawaiian organizations to carry out the purposes of this Act, as described in section 2.

''(c) OTHER FEDERAL AGENCIES.—The heads of other Federal agencies, including the Secretaries of Commerce, Transportation, Agriculture, Health and Human Services, and Labor, may make grants under this authority to and enter into agreements with Indian tribes, tribal organizations, and Native Hawaiian organizations to carry out the purposes of this Act, as described in section 2.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.''.

TITLE LXIV—BLACKWATER TRADING POST

SEC. 6401. SHORT TITLE.

This title may be cited as the ''Blackwater Trading Post Land Transfer Act''.

SEC. 6402. DEFINITIONS.

In this title:

(1) BLACKWATER TRADING POST LAND.—The term ''Blackwater Trading Post Land'' means the approximately 55.3 acres of land as depicted on the map that—

(A) is located in Pinal County, Arizona, and bordered by Community land to the east, west, and north and State Highway 87 to the south; and

(B) is owned by the Community.

(2) COMMUNITY.—The term ''Community'' means the Gila River Indian Community of the Reservation.

(3) MAP.—The term ''map'' means the map entitled ''Results of Survey, Ellis Property, A Portion of the West ½ of Section 12, Township 5 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona'' and dated October 15, 2012.

(4) RESERVATION.—The term ''Reservation'' means the land located within the exterior boundaries of the reservation created under sections 3 and 4 of the Act of February 28, 1859 (11 Stat. 401, chapter LXVI), and Executive orders of August 31, 1876, June 14, 1879, May 5, 1882, November 15, 1883, July 31, 1911, June 2, 1913, August 27, 1914, and July 19, 1915, and any other lands placed in trust for the benefit of the Community.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 6403. LAND TAKEN INTO TRUST FOR BENEFIT OF THE GILA RIVER INDIAN COMMUNITY.

(a) IN GENERAL.—The Secretary shall take the Blackwater Trading Post Land into trust for the benefit of the Community, after the Community—

(1) conveys to the Secretary all right, title, and interest of the Community in and to the Blackwater Trading Post Land;

(2) submits to the Secretary a request to take the Blackwater Trading Post Land into trust for the benefit of the Community;

(3) conducts a survey (to the satisfaction of the Secretary) to determine the exact acreage and legal description of the Blackwater Trading Post Land, if the Secretary determines a survey is necessary; and

(4) pays all costs of any survey conducted under paragraph (3).

(b) AVAILABILITY OF MAP.—Not later than 180 days after the Blackwater Trading Post Land is taken into trust under subsection (a), the map shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) LANDS TAKEN INTO TRUST PART OF RESERVATION.—After the date on which the Blackwater Trading Post Land is taken into trust under subsection (a), the land shall be treated as part of the Reservation.

(d) GAMING.—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be allowed at any time on the land taken into trust under subsection (a).

(e) DESCRIPTION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall cause the full metes-and-bounds description of the Blackwater Trading Post Land to be published in the Federal Register.

(2) TREATMENT.—The description under paragraph (1) shall, on publication, constitute the official description of the Blackwater Trading Post Land.

SA 6342. 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:

SEC. _____. GUARANTEED BENEFIT CALCULATION FOR CERTAIN PLANS.

(a) IN GENERAL.—

(1) INCREASE TO FULL VESTED PLAN BENEFIT.—

(A) IN GENERAL.—For purposes of determining what benefits are guaranteed under section 4022 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322) with respect to an eligible participant or beneficiary under a covered plan specified in paragraph (4) in connection with the termination of such plan, the amount of monthly benefits shall be equal to the full vested plan benefit with respect to the participant.

(B) NO EFFECT ON PREVIOUS DETERMINATIONS.—Nothing in this Act shall be construed to change the allocation of assets and recoveries under sections 4044(a) and 4022(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a); 1322(c)) as previously determined by the Pension Benefit Guaranty Corporation (referred to in this section as the ''corporation'') for the covered plans specified in paragraph (4), and the corporation's applicable rules, practices, and policies on benefits payable in terminated single-employer plans shall, except as otherwise provided in this section, continue to apply with respect to such covered plans.

(2) RECALCULATION OF CERTAIN BENEFITS.—

(A) IN GENERAL.—In any case in which the amount of monthly benefits with respect to an eligible participant or beneficiary described in paragraph (1) was calculated prior to the date of enactment of this Act, the corporation shall recalculate such amount pursuant to paragraph (1), and shall adjust any subsequent payments of such monthly benefits accordingly, as soon as practicable after such date.

(B) LUMP-SUM PAYMENTS OF PAST-DUE BENEFITS.—Not later than 180 days after the date of enactment of this Act, the corporation, in consultation with the Secretary of the Treasury and the Secretary of Labor, shall make a lump-sum payment to each eligible participant or beneficiary whose guaranteed benefits are recalculated under subparagraph (A) in an amount equal to—

(i) in the case of an eligible participant, the excess of—

(I) the total of the full vested plan benefits of the participant for all months for which such guaranteed benefits were paid prior to such recalculation, over

(II) the sum of any applicable payments made to the eligible participant; and

(ii) in the case of an eligible beneficiary, the sum of—

(I) the amount that would be determined under clause (i) with respect to the participant of which the eligible beneficiary is a beneficiary if such participant were still in pay status; plus

(II) the excess of—

(aa) the total of the full vested plan benefits of the eligible beneficiary for all months for which such guaranteed benefits were paid prior to such recalculation, over

(bb) the sum of any applicable payments made to the eligible beneficiary.

Notwithstanding the previous sentence, the corporation shall increase each lump-sum payment made under this subparagraph to account for foregone interest in an amount determined by the corporation designed to reflect a 6 percent annual interest rate on each past-due amount attributable to the underpayment of guaranteed benefits for each month prior to such recalculation.

(C) ELIGIBLE PARTICIPANTS AND BENEFICIARIES.—

(i) IN GENERAL.—For purposes of this section, an eligible participant or beneficiary is a participant or beneficiary who—

(I) as of the date of the enactment of this Act, is in pay status under a covered plan or is eligible for future payments under such plan;

(II) has received or will receive applicable payments in connection with such plan (within the meaning of clause (ii)) that does not exceed the full vested plan benefits of such participant or beneficiary; and

(III) is not covered by the 1999 agreements between General Motors and various unions providing a top-up benefit to certain hourly employees who were transferred from the General Motors Hourly-Rate Employees Pension Plan to the Delphi Hourly-Rate Employees Pension Plan.

(ii) APPLICABLE PAYMENTS.—For purposes of this paragraph, applicable payments to a participant or beneficiary in connection with a plan consist of the following:

(I) Payments under the plan equal to the normal benefit guarantee of the participant or beneficiary.

(II) Payments to the participant or beneficiary made pursuant to section 4022(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(c)) or otherwise received from the corporation in connection with the termination of the plan.

(3) DEFINITIONS.—For purposes of this subsection—

(A) FULL VESTED PLAN BENEFIT.—The term ''full vested plan benefit'' means the amount of monthly benefits that would be guaranteed under section 4022 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322) as of the date of plan termination with respect to an eligible participant or beneficiary if such section were applied without regard to the phase-in limit under subsection (b)(1) of such section and the maximum guaranteed benefit limitation under subsection (b)(3) of such section (including the accrued-at-normal limitation).

(B) NORMAL BENEFIT GUARANTEE.—The term ''normal benefit guarantee'' means the amount of monthly benefits guaranteed under section 4022 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322) with respect to an eligible participant or beneficiary without regard to this Act.

(4) COVERED PLANS.—The covered plans specified in this paragraph are the following:

(A) The Delphi Hourly-Rate Employees Pension Plan.

(B) The Delphi Retirement Program for Salaried Employees.

(C) The PHI Non-Bargaining Retirement Plan.

(D) The ASEC Manufacturing Retirement Program.

(E) The PHI Bargaining Retirement Plan.

(F) The Delphi Mechatronic Systems Retirement Program.

(5) TREATMENT OF PBGC DETERMINATIONS.—Any determination made by the corporation under this section concerning a recalculation of benefits or lump-sum payment of past-due benefits shall be subject to administrative review by the corporation. Any new determination made by the corporation under this section shall be governed by the same administrative review process as any other benefit determination by the corporation.

(b) TRUST FUND FOR PAYMENT OF INCREASED BENEFITS.—

(1) ESTABLISHMENT.—There is established in the Treasury a trust fund to be known as the ''Delphi Full Vested Plan Benefit Trust Fund'' (referred to in this subsection as the ''Fund''), consisting of such amounts as may be appropriated or credited to the Fund as provided in this section.

(2) FUNDING.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, such amounts as are necessary for the costs of payments of the portions of monthly benefits guaranteed to participants and beneficiaries pursuant to subsection (a) and for necessary administrative and operating expenses of the corporation relating to such payments. The Fund shall be credited with amounts from time to time as the Secretary of the Treasury, in coordination with the Director of the corporation, determines appropriate, out of amounts in the Treasury not otherwise appropriated.

(3) EXPENDITURES FROM FUND.—Amounts in the Fund shall be available for the payment of the portion of monthly benefits guaranteed to a participant or beneficiary pursuant to subsection (a) and for necessary administrative and operating expenses of the corporation relating to such payment.

(c) REGULATIONS.—The corporation, in consultation with the Secretary of the Treasury and the Secretary of Labor, may issue such regulations as necessary to carry out this section.

(d) TAX TREATMENT OF LUMP-SUM PAYMENTS.—

(1) IN GENERAL.—Unless the taxpayer elects (at such time and in such manner as the Secretary may provide) to have this paragraph not apply with respect to any lump-sum payment under subsection (a)(2)(B), the amount of such payment shall be included in the taxpayer's gross income ratably over the 3-taxable-year period beginning with the taxable year in which such payment is received.

(2) SPECIAL RULES RELATED TO DEATH.—

(A) IN GENERAL.—If the taxpayer dies before the end of the 3-taxable-year period described in paragraph (1), any amount to which paragraph (1) applies which has not been included in gross income for a taxable year ending before the taxable year in which such death occurs shall be included in gross income for such taxable year.

(B) SPECIAL ELECTION FOR SURVIVING SPOUSES OF ELIGIBLE PARTICIPANTS.—If—

(i) a taxpayer with respect to whom paragraph (1) applies dies,

(ii) such taxpayer is an eligible participant,

(iii) the surviving spouse of such eligible participant is entitled to a survivor benefit from the corporation with respect to such eligible participant, and

(iv) such surviving spouse elects (at such time and in such manner as the Secretary may provide) the application of this subparagraph,

subparagraph (A) shall not apply and any amount which would have (but for such taxpayer's death) been included in the gross income of such taxpayer under paragraph (1) for any taxable year beginning after the date of such death shall be included in the gross income of such surviving spouse for the taxable year of such surviving spouse ending with or within such taxable year of the taxpayer.

SA 6343. 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. REPORT ON ONGOING THREAT POSED BY ISIS.

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

(1) the United States should acknowledge the vital role that the Syrian Democratic Forces, which is a United States ally, have played in the fight to defeat ISIS and administer territory previously controlled by ISIS;

(2) radicalization within the al-Hol camp provides fuel for a potential resurgence of ISIS and poses a threat to the region;

(3) Turkish military operations against the Syrian Democratic Forces in Syria risk further destabilization and threaten innocent civilians; and

(4) the United States should use its good offices to stop Turkish shelling and other military operations in the northeast region of Syria.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly provide a report to Congress on the ongoing threat posed by ISIS in Syria and Iraq and the administration's strategy for—

(1) supporting the Syrian Democratic Forces and preventing an ISIS resurgence;

(2) responding to deteriorating conditions and radicalization within the al-Hol camp;

(3) responding to shelling and other military operations by Turkish forces in northeastern Syria against the Syrian Democratic Forces; and

(4) protecting the gains made since 2014 in the fight against ISIS.

SA 6344. Mr. VAN HOLLEN (for himself, Mr. LEAHY, Ms. WARREN, Mr. BLUMENTHAL, 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:

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

SEC. 1214. UPHOLDING HUMAN RIGHTS ABROAD.

(a) CONSIDERATION OF HUMAN RIGHTS RECORDS OF RECIPIENTS OF SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.—Section 127e of title 10, United States Code, is amended—

(1) in subsection (c)(2) by adding at the end of the following new subparagraph:

''(D) The processes through which the Secretary of Defense, in consultation with the Secretary of State, shall ensure that, prior to a decision to provide any support to foreign forces, irregular forces, groups, or individuals, full consideration is given to any credible information available to the Department of State relating to violations of human rights by such entities.'';

(2) in subsection (d)(2)—

(A) in subparagraph (H), by inserting '', including the promotion of good governance and rule of law and the protection of civilians and human rights'' before the period at the end;

(B) in subparagraph (I)—

(i) by striking the period at the end and inserting ''or violations of the laws of armed conflict, including the Geneva Conventions of 1949, including—''; and

(ii) by adding at the end the following new clauses:

''(i) vetting units receiving such support for violations of human rights;

''(ii) providing human rights training to units receiving such support; and

''(iii) providing for the investigation of allegations of gross violations of human rights and termination of such support in cases of credible information of such violations.''; and

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

''(J) A description of the human rights record of the recipient, including for purposes of section 362 of this title, and any relevant attempts by such recipient to remedy such record.'';

(3) in subsection (i)(3) by adding at the end the following new subparagraph:

''(I) An assessment of how support provided under this section advances United States national security priorities and aligns with other United States Government efforts to address underlying risk factors of terrorism and violent extremism, including repression, human rights abuses, and corruption.''; and

(4) by adding at the end the following new subsections:

''(j) PROHIBITION ON USE OF FUNDS.—(1) Except as provided in paragraphs (2) and (3), no funds may be used to provide support to any individual member or unit of a foreign force, irregular force, or group in a foreign country if the Secretary of Defense has credible information that such individual or unit has committed a gross violation of human rights.

''(2) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition under paragraph (1) if the Secretary determines that the waiver is required by extraordinary circumstances.

''(3) The prohibition under paragraph (1) shall not apply with respect to the foreign forces, irregular forces, groups, or individuals of a country if the Secretary of Defense determines that—

''(A) the government of such country has taken all necessary corrective steps; or

''(B) the support is necessary to assist in disaster relief operations or other humanitarian or national security emergencies.

''(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to constitute a specific statutory authorization for any of the following:

''(1) The conduct of a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093).

''(2) The introduction of United States armed forces, within the meaning of section 5(b) of the War Powers Resolution, into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.

''(3) The provision of support to regular forces, irregular forces, groups, or individuals for the conduct of operations that United States Special Operations Forces are not otherwise legally authorized to conduct themselves.

''(4) The conduct or support of activities, directly or indirectly, that are inconsistent with the laws of armed conflict.''.

(b) CONSIDERATION OF HUMAN RIGHTS RECORDS OF RECIPIENTS OF SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.—Section 1202 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1639) is amended—

(1) in subsection (c)(2), by adding at the end of the following new subparagraph:

''(D) The processes through which the Secretary of Defense shall, in consultation with the Secretary of State, ensure that prior to a decision to provide support to individual members or units of foreign forces, irregular forces, or groups in a foreign country full consideration is given to any credible information available to the Department of State relating to gross violations of human rights by such individuals or units.'';

(2) in subsection (d)(2)—

(A) by redesignating subparagraph (G) as subparagraph (H); and

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

''(G) A description of the human rights record of the recipient, including for purposes of section 362 of title 10, United States Code, and any relevant attempts by such recipient to remedy such record.'';

(3) in subsection (h)(3), by adding at the end the following new subparagraph:

''(I) An assessment of how support provided under this section advances United States national security priorities and aligns with other United States Government interests in countries in which activities under the authority in this section are ongoing.'';

(4) by redesignating subsection (i) as subsection (j); and

(5) by inserting after subsection (h) the following new subsection (i):

''(i) PROHIBITION ON USE OF FUNDS.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no funds may be used to provide support to any individual member or unit of a foreign force, irregular force, or group in a foreign country if the Secretary of Defense has credible information that such individual or unit has committed a gross violation of human rights.

''(2) WAIVER AUTHORITY.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition under paragraph (1) if the Secretary determines that the waiver is required by extraordinary circumstances.

''(3) EXCEPTION.—The prohibition under paragraph (1) shall not apply with respect to individual members or units of such foreign forces, irregular forces, or groups if the Secretary of Defense, after consultation with the Secretary of State, determines that—

''(A) the government of such country has taken all necessary corrective steps; or

''(B) the support is necessary to assist in disaster relief operations or other humanitarian or national security emergencies.''.

SA 6345. 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. LIMITATION ON TRANSFER OF F–16 AIRCRAFT.

(a) IN GENERAL.—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 that—

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

(2) 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 or military operations against United States allies, including the Syrian Democratic Forces, in the fight against ISIS.

(b) ADDITIONAL LIMITATION.—Notwithstanding a certification described in subsection (a), a transfer of new F–16 aircraft or F–16 upgrade technology or modernization kits described in that subsection may not be carried out before the date on which Turkey ratifies the accession of Sweden and Finland to the North Atlantic Treaty Organization.

SA 6346. 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, insert the following:

SEC. ____. COLLECTION OF DEMOGRAPHIC INFORMATION FOR PATENT INVENTORS.

(a) AMENDMENT.—Chapter 11 of title 35, United States Code, is amended by adding at the end the following:

''§ 124. Collection of demographic information for patent inventors

''(a) VOLUNTARY COLLECTION.—The Director shall provide for the collection of demographic information, including gender, race, military or veteran status, and any other demographic category that the Director determines appropriate, related to each inventor listed with an application for patent, that may be submitted voluntarily by that inventor.

''(b) PROTECTION OF INFORMATION.—The Director shall—

''(1) keep any information submitted under subsection (a) confidential and separate from the application for patent; and

''(2) establish appropriate procedures to ensure—

''(A) the confidentiality of any information submitted under subsection (a); and

''(B) that demographic information is not made available to examiners or considered in the examination of any application for patent.

''(c) RELATION TO OTHER LAWS.—

''(1) FREEDOM OF INFORMATION ACT.—Any demographic information submitted under subsection (a) shall be exempt from disclosure under section 552(b)(3) of title 5.

''(2) FEDERAL INFORMATION POLICY LAW.—Subchapter I of chapter 35 of title 44 shall not apply to the collection of demographic information under subsection (a).

''(d) PUBLICATION OF DEMOGRAPHIC INFORMATION.—

''(1) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this section, and not later than January 31 of each year thereafter, the Director shall make publicly available a report that, except as provided in paragraph (3)—

''(A) includes the total number of patent applications filed during the previous year disaggregated—

''(i) by demographic information described in subsection (a); and

''(ii) by technology class number, technology class title, country of residence of the inventor, and State of residence of the inventor in the United States;

''(B) includes the total number of patents issued during the previous year disaggregated—

''(i) by demographic information described in subsection (a); and

''(ii) by technology class number, technology class title, country of residence of the inventor, and State of residence of the inventor in the United States; and

''(C) includes a discussion of the data collection methodology and summaries of the aggregate responses.

''(2) DATA AVAILABILITY.—In conjunction with issuance of the report under paragraph (1), the Director shall make publicly available data based on the demographic information collected under subsection (a) that, except as provided in paragraph (3), allows the information to be cross-tabulated to review subgroups.

''(3) PRIVACY.—The Director—

''(A) may not include personally identifying information in—

''(i) the report made publicly available under paragraph (1); or

''(ii) the data made publicly available under paragraph (2); and

''(B) in making publicly available the report under paragraph (1) and the data under paragraph (2), shall anonymize any personally identifying information related to the demographic information collected under subsection (a).

''(e) BIENNIAL REPORT.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Director shall submit to Congress a biennial report that evaluates the data collection process under this section, ease of access to the information by the public, and recommendations on how to improve data collection.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 11 of title 35, United States Code, is amended by adding at the end the following:

''124. Collection of demographic information for patent inventors.''.

SA 6347. 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 end, add the following:

DIVISION E—OFFICES OF COUNTERING WEAPONS OF MASS DESTRUCTION AND HEALTH SECURITY

SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

TITLE I—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

SEC. 5101. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

(a) HOMELAND SECURITY ACT OF 2002.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 590 et seq.) is amended—

(1) in section 1901 (6 U.S.C. 591)—

(A) in subsection (c), by amending paragraphs (1) and (2) to read as follows:

''(1) matters and strategies pertaining to—

''(A) weapons of mass destruction; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

''(2) coordinating the efforts of the Department to counter—

''(A) weapons of mass destruction; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats.''; and

(B) by striking subsection (e);

(2) by amending section 1921 (6 U.S.C. 591g) to read as follows:

''SEC. 1921. MISSION OF THE OFFICE.

''The Office shall be responsible for—

''(1) coordinating the efforts of the Department to counter—

''(A) weapons of mass destruction; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

''(2) enhancing the ability of Federal, State, local, Tribal, and territorial partners to prevent, detect, protect against, and mitigate the impacts of attacks using—

''(A) weapons of mass destruction against the United States; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats against the United States.'';

(3) in section 1922 (6 U.S.C. 591h)—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(4) in section 1923 (6 U.S.C. 592)—

(A) by redesignating subsections (a) and (b) as subsections (b) and (d), respectively;

(B) by inserting before subsection (b), as so redesignated, the following:

''(a) OFFICE RESPONSIBILITIES.—

''(1) IN GENERAL.—For the purposes of coordinating the efforts of the Department to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

''(A) provide expertise and guidance to Department leadership and components on chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G);

''(B) in coordination with the Office for Strategy, Policy, and Plans, lead development of policies and strategies to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats on behalf of the Department;

''(C) identify, assess, and prioritize capability gaps relating to the strategic and mission objectives of the Department for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(D) in coordination with the Office of Intelligence and Analysis, support components of the Department, and Federal, State, local, Tribal, and territorial partners, provide intelligence and information analysis and reports on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(E) in consultation with the Science and Technology Directorate, assess risk to the United States from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(F) lead development and prioritization of Department requirements to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G), which requirements shall be—

''(i) developed in coordination with end users; and

''(ii) reviewed by the Joint Requirements Council, as directed by the Secretary;

''(G) in coordination with the Science and Technology Directorate, direct, fund, and coordinate capability development activities to counter weapons of mass destruction and all chemical, biological, radiological, nuclear, and other related emerging threats research, development, test, and evaluation matters, including research, development, testing, and evaluation expertise, threat characterization, technology maturation, prototyping, and technology transition;

''(H) acquire, procure, and deploy counter weapons of mass destruction capabilities, and serve as the lead advisor of the Department on component acquisition, procurement, and deployment of counter-weapons of mass destruction capabilities;

''(I) in coordination with the Office of Health Security, support components of the Department, and Federal, State, local, Tribal, and territorial partners on chemical, biological, radiological, nuclear, and other related emerging threats health matters;

''(J) provide expertise on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats to Department and Federal partners to support engagements and efforts with international partners subject to the research, development, testing, and evaluation coordination requirement under subparagraph (G); and

''(K) carry out any other duties assigned to the Office by the Secretary.

''(2) DETECTION AND REPORTING.—For purposes of the detection and reporting responsibilities of the Office for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

''(A) in coordination with end users, including State, local, Tribal, and territorial partners, as appropriate—

''(i) carry out a program to test and evaluate technology, in consultation with the Science and Technology Directorate, to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material, in coordination with other Federal agencies, as appropriate, and establish performance metrics to evaluate the effectiveness of individual detectors and detection systems in detecting those weapons or material—

''(I) under realistic operational and environmental conditions; and

''(II) against realistic adversary tactics and countermeasures;

''(B) in coordination with end users, conduct, support, coordinate, and encourage a transformational program of research and development to generate and improve technologies to detect, protect against, and report on the illicit entry, transport, assembly, or potential use within the United States of weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material, and coordinate with the Under Secretary for Science and Technology on research and development efforts relevant to the mission of the Office and the Under Secretary for Science and Technology;

''(C) before carrying out operational testing under subparagraph (A), develop a testing and evaluation plan that articulates the requirements for the user and describes how these capability needs will be tested in developmental test and evaluation and operational test and evaluation;

''(D) as appropriate, develop, acquire, and deploy equipment to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material in support of Federal, State, local, Tribal, and territorial governments;

''(E) support and enhance the effective sharing and use of appropriate information on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats and related emerging issues generated by elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), law enforcement agencies, other Federal agencies, State, local, Tribal, and territorial governments, and foreign governments, as well as provide appropriate information to those entities;

''(F) consult, as appropriate, with the Federal Emergency Management Agency and other departmental components, on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats and efforts to mitigate, prepare, and respond to all threats in support of the State, local, and Tribal communities; and

''(G) perform other duties as assigned by the Secretary.'';

(C) in subsection (b), as so redesignated—

(i) in the subsection heading, by striking ''MISSION'' and inserting ''RADIOLOGICAL AND NUCLEAR RESPONSIBILITIES'';

(ii) in paragraph (1)—

(I) by inserting ''deploy,'' after ''acquire,''; and

(II) by striking ''deployment'' and inserting ''operations'';

(iii) by striking paragraphs (6) through (10);

(iv) redesignating paragraphs (11) and (12) as paragraphs (6) and (7), respectively;

(v) in paragraph (6)(B), as so redesignated, by striking ''national strategic five-year plan referred to in paragraph (10)'' and inserting ''United States national technical nuclear forensics strategic planning'';

(vi) in paragraph (7)(C)(v), as so redesignated—

(I) in the matter preceding subclause (I), by inserting ''except as otherwise provided,'' before ''require''; and

(II) in subclause (II)—

(aa) in the matter preceding item (aa), by striking ''death or disability'' and inserting ''death, disability, or a finding of good cause as determined by the Assistant Secretary (including extreme hardship, extreme need, or the needs of the Office) and for which the Assistant Secretary may grant a waiver of the repayment obligation''; and

(bb) in item (bb), by adding ''and'' at the end;

(vii) by striking paragraph (13); and

(viii) by redesignating paragraph (14) as paragraph (8); and

(D) by inserting after subsection (b), as so redesignated, the following:

''(c) CHEMICAL AND BIOLOGICAL RESPONSIBILITIES.—The Office—

''(1) shall be responsible for coordinating with other Federal efforts to enhance the ability of Federal, State, local, and Tribal governments to prevent, detect, protect against, and mitigate the impacts of chemical and biological threats against the United States; and

''(2) shall—

''(A) serve as a primary entity of the Federal Government to further develop, acquire, deploy, and support the operations of a national biosurveillance system in support of Federal, State, local, Tribal, and territorial governments, and improve that system over time;

''(B) enhance the chemical and biological detection efforts of Federal, State, local, Tribal, and territorial governments and provide guidance, tools, and training to help ensure a managed, coordinated response; and

''(C) collaborate with the Biomedical Advanced Research and Development Authority, the Office of Health Security, the Defense Advanced Research Projects Agency, and the National Aeronautics and Space Administration, and other relevant Federal stakeholders, and receive input from industry, academia, and the national laboratories on chemical and biological surveillance efforts.'';

(5) in section 1924 (6 U.S.C. 593), by striking ''section 11011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).'' and inserting ''section 4092 of title 10, United States Code, except that the authority shall be limited to facilitate the recruitment of experts in the chemical, biological, radiological, or nuclear specialties.'';

(6) in section 1927(a)(1)(C) (6 U.S.C. 596a(a)(1)(C))—

(A) in clause (i), by striking ''required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010'';

(B) in clause (ii), by striking ''and'' at the end;

(C) in clause (iii), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) includes any other information regarding national technical nuclear forensics activities carried out under section 1923.'';

(7) in section 1928 (6 U.S.C. 596b)—

(A) in subsection (a), by striking ''high-risk urban areas'' and inserting ''jurisdictions designated under subsection (c)'';

(B) in subsection (c)(1), by striking ''from among high-risk urban areas under section 2003'' and inserting ''based on the capability and capacity of the jurisdiction, as well as the relative threat, vulnerability, and consequences from terrorist attacks and other high-consequence events utilizing nuclear or other radiological materials''; and

(C) by striking subsection (d) and inserting the following:

''(d) REPORT.—Not later than 2 years after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall submit to the appropriate congressional committees an update on the STC program.''; and

(8) by adding at the end the following:

''SEC. 1929. ACCOUNTABILITY.

''(a) DEPARTMENTWIDE STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, which should—

''(A) have clearly identified authorities, specified roles, objectives, benchmarks, accountability, and timelines;

''(B) incorporate the perspectives of non-Federal and private sector partners; and

''(C) articulate how the Department will contribute to relevant national-level strategies and work with other Federal agencies.

''(2) CONSIDERATION.—The Secretary shall appropriately consider weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats when creating the strategy and implementation plan required under paragraph (1).

''(3) REPORT.—The Office shall submit to the appropriate congressional committees a report on the updated Departmentwide strategy and implementation plan required under paragraph (1).

''(b) DEPARTMENTWIDE BIODEFENSE REVIEW AND STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary, in consultation with appropriate stakeholders representing Federal, State, Tribal, territorial, academic, private sector, and nongovernmental entities, shall conduct a Departmentwide review of biodefense activities and strategies.

''(2) REVIEW.—The review required under paragraph (1) shall—

''(A) identify with specificity the biodefense lines of effort of the Department, including relating to biodefense roles, responsibilities, and capabilities of components and offices of the Department;

''(B) assess how such components and offices coordinate internally and with public and private partners in the biodefense enterprise;

''(C) identify any policy, resource, capability, or other gaps in the Department's ability to assess, prevent, protect against, and respond to biological threats; and

''(D) identify any organizational changes or reforms necessary for the Department to effectively execute its biodefense mission and role, including with respect to public and private partners in the biodefense enterprise.

''(3) STRATEGY.—Not later than 1 year after completion of the review required under paragraph (1), the Secretary shall issue a biodefense strategy for the Department that—

''(A) is informed by such review and is aligned with section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104; relating to the development of a national biodefense strategy and associated implementation plan, including a review and assessment of biodefense policies, practices, programs, and initiatives) or any successor strategy; and

''(B) shall—

''(i) describe the biodefense mission and role of the Department, as well as how such mission and role relates to the biodefense lines of effort of the Department;

''(ii) clarify, as necessary, biodefense roles, responsibilities, and capabilities of the components and offices of the Department involved in the biodefense lines of effort of the Department;

''(iii) establish how biodefense lines of effort of the Department are to be coordinated within the Department;

''(iv) establish how the Department engages with public and private partners in the biodefense enterprise, including other Federal agencies, national laboratories and sites, and State, local, Tribal, and territorial entities, with specificity regarding the frequency and nature of such engagement by Department components and offices with State, local, Tribal and territorial entities; and

''(v) include information relating to—

''(I) milestones and performance metrics that are specific to the biodefense mission and role of the Department described in clause (i); and

''(II) implementation of any operational changes necessary to carry out clauses (iii) and (iv).

''(4) PERIODIC UPDATE.—Beginning not later than 5 years after the issuance of the biodefense strategy and implementation plans required under paragraph (3), and not less often than once every 5 years thereafter, the Secretary shall review and update, as necessary, such strategy and plans.

''(5) CONGRESSIONAL OVERSIGHT.—Not later than 30 days after the issuance of the biodefense strategy and implementation plans required under paragraph (3), the Secretary shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding such strategy and plans.

''(c) EMPLOYEE MORALE.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Office shall submit to and brief the appropriate congressional committees on a strategy and plan to continuously improve morale within the Office.

''(d) COMPTROLLER GENERAL.—Not later than 1 year after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Comptroller General of the United States shall conduct a review of and brief the appropriate congressional committees on—

''(1) the efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, including research and development;

''(2) the consistency and effectiveness of stakeholder coordination across the mission of the Department, including operational and support components of the Department and State and local entities; and

''(3) the efforts of the Office to manage and coordinate the lifecycle of research and development within the Office and with other components of the Department, including the Science and Technology Directorate.

''(e) NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE.—

''(1) STUDY.—The Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine

to conduct a consensus study and report to the Secretary and the appropriate congressional committees on—

''(A) the role of the Department in preparing, detecting, and responding to biological and health security threats to the homeland;

''(B) recommendations to improve departmental biosurveillance efforts against biological threats, including any relevant biological detection methods and technologies; and

''(C) the feasibility of different technological advances for biodetection compared to the cost, risk reduction, and timeliness of those advances.

''(2) BRIEFING.—Not later than 1 year after the date on which the Secretary receives the report required under paragraph (1), the Secretary shall brief the appropriate congressional committees on—

''(A) the implementation of the recommendations included in the report; and

''(B) the status of biological detection at the Department, and, if applicable, timelines for the transition from Biowatch to updated technology.

''(f) ADVISORY COUNCIL.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall establish an advisory body to advise on the ongoing coordination of the efforts of the Department to counter weapons of mass destruction, to be known as the Advisory Council for Countering Weapons of Mass Destruction (in this subsection referred to as the 'Advisory Council').

''(2) MEMBERSHIP.—The members of the Advisory Council shall—

''(A) be appointed by the Assistant Secretary; and

''(B) to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of officials, from State, local, and Tribal governments, academia, the private sector, national laboratories, and nongovernmental organizations, including, as appropriate—

''(i) members selected from the emergency management field and emergency response providers;

''(ii) State, local, and Tribal government officials;

''(iii) experts in the public and private sectors with expertise in chemical, biological, radiological, and nuclear agents and weapons;

''(iv) representatives from the national laboratories; and

''(v) such other individuals as the Assistant Secretary determines to be appropriate.

''(3) RESPONSIBILITIES.— The Advisory Council shall—

''(A) advise the Assistant Secretary on all aspects of countering weapons of mass destruction;

''(B) incorporate State, local, and Tribal government, national laboratories, and private sector input in the development of the strategy and implementation plan of the Department for countering weapons of mass destruction; and

''(C) establish performance criteria for a national biological detection system and review the testing protocol for biological detection prototypes.

''(4) CONSULTATION.—To ensure input from and coordination with State, local, and Tribal governments, the Assistant Secretary shall regularly consult and work with the Advisory Council on the administration of Federal assistance provided by the Department, including with respect to the development of requirements for countering weapons of mass destruction programs, as appropriate.

''(5) VOLUNTARY SERVICE.—The members of the Advisory Council shall serve on the Advisory Council on a voluntary basis.

''(6) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.''.

(b) COUNTERING WEAPONS OF MASS DESTRUCTION ACT OF 2018.—Section 2 of the Countering Weapons of Mass Destruction Act of 2018 (Public Law 115–387; 132 Stat. 5162) is amended—

(1) in subsection (b)(2) (6 U.S.C. 591 note), by striking ''1927'' and inserting ''1926''; and

(2) in subsection (g) (6 U.S.C. 591 note)—

(A) in the matter preceding paragraph (1), by striking ''one year after the date of the enactment of this Act, and annually thereafter,'' and inserting ''June 30 of each year,''; and

(B) in paragraph (2), by striking ''Security, including research and development activities'' and inserting ''Security''.

(c) SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT OF 2006.—The Security and Accountability for Every Port Act of 2006 (6 U.S.C. 901 et seq.) is amended—

(1) in section 1(b) (Public Law 109–347; 120 Stat 1884), by striking the item relating to section 502; and

(2) by striking section 502 (6 U.S.C. 592a).

SEC. 5102. RULE OF CONSTRUCTION.

Nothing in this title or the amendments made by this title shall be construed to affect or diminish the authorities or responsibilities of the Under Secretary for Science and Technology.

TITLE II—OFFICE OF HEALTH SECURITY

SEC. 5201. OFFICE OF HEALTH SECURITY.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103 (6 U.S.C. 113)—

(A) in subsection (a)(2)—

(i) by striking ''the Assistant Secretary for Health Affairs,''; and

(ii) by striking ''Affairs, or'' and inserting ''Affairs or''; and

(B) in subsection (d), by adding at the end the following:

''(6) A Chief Medical Officer.'';

(2) by adding at the end the following:

''TITLE XXIII—OFFICE OF HEALTH SECURITY'';

(3) by redesignating section 1931 (6 U.S.C. 597) as section 2301 and transferring such section to appear after the heading for title XXIII, as added by paragraph (2); and

(4) in section 2301, as so redesignated—

(A) in the section heading, by striking ''**CHIEF MEDICAL OFFICER**'' and inserting ''**OFFICE OF HEALTH SECURITY**'';

(B) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—There is established in the Department an Office of Health Security.

''(b) HEAD OF OFFICE OF HEALTH SECURITY.—The Office of Health Security shall be headed by a chief medical officer, who shall—

''(1) be the Assistant Secretary for Health Security and the Chief Medical Officer of the Department;

''(2) be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health;

''(3) be appointed by the President; and

''(4) report directly to the Secretary.'';

(C) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''medical issues related to natural disasters, acts of terrorism, and other man-made disasters'' and inserting ''oversight of all medical, public health, and workforce health and safety matters of the Department'';

(ii) in paragraph (1), by striking '', the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials'' and inserting ''and all other Department officials'';

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

(iv) by redesignating paragraph (5) as paragraph (13); and

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

''(5) overseeing all medical and public health activities of the Department, including the delivery, advisement, and oversight of direct patient care and the organization, management, and staffing of component operations that deliver direct patient care;

''(6) advising the head of each component of the Department that delivers direct patient care regarding the recruitment and appointment of a component chief medical officer and deputy chief medical officer or the employee who functions in the capacity of chief medical officer and deputy chief medical officer;

''(7) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding knowledge and skill standards for medical personnel and the assessment of that knowledge and skill;

''(8) advising the Secretary and the head of each component of the Department that delivers patient care regarding the collection, storage, and oversight of medical records;

''(9) with respect to any psychological health counseling or assistance program of the Department, including such a program of a law enforcement, operational, or support component of the Department, advising the head of each such component with such a program regarding—

''(A) ensuring such program includes safeguards against adverse action, including automatic referrals for a fitness for duty examination, by such component with respect to any employee solely because such employee self-identifies a need for psychological health counseling or assistance or receives such counseling or assistance;

''(B) increasing the availability and number of local psychological health professionals with experience providing psychological support services to personnel;

''(C) establishing a behavioral health curriculum for employees at the beginning of their careers to provide resources early regarding the importance of psychological health;

''(D) establishing periodic management training on crisis intervention and such component's psychological health counseling or assistance program;

''(E) improving any associated existing employee peer support programs, including by making additional training and resources available for peer support personnel in the workplace across such component;

''(F) developing and implementing a voluntary alcohol treatment program that includes a safe harbor for employees who seek treatment;

''(G) including, when appropriate, collaborating and partnering with key employee stakeholders and, for those components with employees with an exclusive representative, the exclusive representative with respect to such a program;

''(10) in consultation with the Chief Information Officer of the Department—

''(A) identifying methods and technologies for managing, updating, and overseeing patient records; and

''(B) setting standards for technology used by the components of the Department regarding the collection, storage, and oversight of medical records;

''(11) advising the Secretary and the head of each component of the Department that

delivers direct patient care regarding contracts for the delivery of direct patient care, other medical services, and medical supplies;

''(12) coordinating with the Countering Weapons of Mass Destruction Office and other components of the Department as directed by the Secretary to enhance the ability of Federal, State, local, Tribal, and territorial governments to prevent, detect, protect against, and mitigate the health effects of chemical, biological, radiological, and nuclear issues; and''; and

(D) by adding at the end the following:

''(d) ASSISTANCE AND AGREEMENTS.—The Secretary, acting through the Chief Medical Officer, in support of the medical and public health activities of the Department, may—

''(1) provide technical assistance, training, and information and distribute funds through grants and cooperative agreements to State, local, Tribal, and territorial governments and nongovernmental organizations;

''(2) enter into other transactions;

''(3) enter into agreements with other Federal agencies; and

''(4) accept services from personnel of components of the Department and other Federal agencies on a reimbursable or nonreimbursable basis.

''(e) OFFICE OF HEALTH SECURITY PRIVACY OFFICER.—There shall be a Privacy Officer in the Office of Health Security with primary responsibility for privacy policy and compliance within the Office, who shall—

''(1) report directly to the Chief Medical Officer; and

''(2) ensure privacy protections are integrated into all Office of Health Security activities, subject to the review and approval of the Privacy Officer of the Department to the extent consistent with the authority of the Privacy Officer of the Department under section 222.

''(f) ACCOUNTABILITY.—

''(1) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this section, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to address health threats.

''(2) BRIEFING.—Not later than 90 days after the date of enactment of this section, the Secretary shall brief the appropriate congressional committees on the organizational transformations of the Office of Health Security, including how best practices were used in the creation of the Office of Health Security.'';

(5) by redesignating section 710 (6 U.S.C. 350) as section 2302 and transferring such section to appear after section 2301, as so redesignated;

(6) in section 2302, as so redesignated—

(A) in the section heading, by striking ''**MEDICAL SUPPORT**'' and inserting ''**SAFETY**'';

(B) in subsection (a), by striking ''Under Secretary for Management'' each place that term appears and inserting ''Chief Medical Officer''; and

(C) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''Under Secretary for Management, in coordination with the Chief Medical Officer,'' and inserting ''Chief Medical Officer''; and

(ii) in paragraph (3), by striking ''as deemed appropriate by the Under Secretary,'';

(7) by redesignating section 528 (6 U.S.C. 321q) as section 2303 and transferring such section to appear after section 2302, as so redesignated; and

(8) in section 2303(a), as so redesignated, by striking ''Assistant Secretary for the Countering Weapons of Mass Destruction Office'' and inserting ''Chief Medical Officer''.

(b) TRANSITION AND TRANSFERS.—

(1) TRANSITION.—The individual appointed pursuant to section 1931 of the Homeland Security Act of 2002 (6 U.S.C. 597) of the Department of Homeland Security, as in effect on the day before the date of enactment of this Act, and serving as the Chief Medical Officer of the Department of Homeland Security on the day before the date of enactment of this Act, shall continue to serve as the Chief Medical Officer of the Department on and after the date of enactment of this Act without the need for reappointment.

(2) RULE OF CONSTRUCTION.—The rule of construction described in section 2(hh) of the Presidential Appointment Efficiency and Streamlining Act of 2011 (5 U.S.C. 3132 note) shall not apply to the Chief Medical Officer of the Department of Homeland Security, including the incumbent who holds the position on the day before the date of enactment of this Act, and such officer shall be paid pursuant to section 3132(a)(2) or 5315 of title 5, United States Code.

(3) TRANSFER.—The Secretary of Homeland Security shall transfer to the Chief Medical Officer of the Department of Homeland Security—

(A) all functions, personnel, budget authority, and assets of the Under Secretary for Management relating to workforce health and safety, as in existence on the day before the date of enactment of this Act;

(B) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office relating to the Chief Medical Officer, including the Medical Operations Directorate of the Countering Weapons of Mass Destruction Office, as in existence on the day before the date of enactment of this Act; and

(C) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office associated with the efforts pertaining to the program coordination activities relating to defending the food, agriculture, and veterinary defenses of the Office, as in existence on the day before the date of enactment of this Act.

SEC. 5202. MEDICAL COUNTERMEASURES PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by redesignating section 1932 (6 U.S.C. 597a) as section 2304 and transferring such section to appear after section 2303, as so redesignated by section 5201 of this division.

SEC. 5203. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

Title XXIII of the Homeland Security Act of 2002, as added by this division, is amended by adding at the end the following:

''SEC. 2305. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

''(a) DEFINITIONS.—In this section:

''(1) HEALTH CARE PROVIDER.—The term 'health care provider' means an individual who—

''(A) is—

''(i) an employee of the Department;

''(ii) a detailee to the Department from another Federal agency;

''(iii) a personal services contractor of the Department; or

''(iv) hired under a contract for services;

''(B) performs health care services as part of duties of the individual in that capacity; and

''(C) has a current, valid, and unrestricted license or certification—

''(i) that is issued by a State, the District of Columbia, or a commonwealth, territory, or possession of the United States; and

''(ii) that is for the practice of medicine, osteopathic medicine, dentistry, nursing, emergency medical services, or another health profession.

''(2) MEDICAL QUALITY ASSURANCE PROGRAM.—The term 'medical quality assurance program' means any activity carried out by the Department to assess the quality of medical care, including activities conducted by individuals, committees, or other review bodies responsible for quality assurance, credentials, infection control, incident reporting, the delivery, advisement, and oversight of direct patient care and assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review, and identification and prevention of medical, mental health, or dental incidents and risks.

''(3) MEDICAL QUALITY ASSURANCE RECORD OF THE DEPARTMENT.—The term 'medical quality assurance record of the Department' means all information, including the proceedings, records (including patient records that the Department creates and maintains as part of a system of records), minutes, and reports that—

''(A) emanate from quality assurance program activities described in paragraph (2); and

''(B) are produced or compiled by the Department as part of a medical quality assurance program.

''(b) CONFIDENTIALITY OF RECORDS.—A medical quality assurance record of the Department that is created as part of a medical quality assurance program—

''(1) is confidential and privileged; and

''(2) except as provided in subsection (d), may not be disclosed to any person or entity.

''(c) PROHIBITION ON DISCLOSURE AND TESTIMONY.—Except as otherwise provided in this section—

''(1) no part of any medical quality assurance record of the Department may be subject to discovery or admitted into evidence in any judicial or administrative proceeding; and

''(2) an individual who reviews or creates a medical quality assurance record of the Department or who participates in any proceeding that reviews or creates a medical quality assurance record of the Department may not be permitted or required to testify in any judicial or administrative proceeding with respect to the record or with respect to any finding, recommendation, evaluation, opinion, or action taken by that individual in connection with the record.

''(d) AUTHORIZED DISCLOSURE AND TESTIMONY.—

''(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record of the Department may be disclosed, and a person described in subsection (c)(2) may give testimony in connection with the record, only as follows:

''(A) To a Federal agency or private organization, if the medical quality assurance record of the Department or testimony is needed by the Federal agency or private organization to—

''(i) perform licensing or accreditation functions related to Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services; or

''(ii) perform monitoring, required by law, of Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services.

''(B) To an administrative or judicial proceeding concerning an adverse action related to the credentialing of or health care provided by a present or former health care provider by the Department.

''(C) To a governmental board or agency or to a professional health care society or organization, if the medical quality assurance record of the Department or testimony is

needed by the board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was a health care provider for the Department.

''(D) To a hospital, medical center, or other institution that provides health care services, if the medical quality assurance record of the Department or testimony is needed by the institution to assess the professional qualifications of any health care provider who is or was a health care provider for the Department and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

''(E) To an employee, a detailee, or a contractor of the Department who has a need for the medical quality assurance record of the Department or testimony to perform official duties or duties within the scope of their contract.

''(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of the agency or instrumentality makes a written request that the medical quality assurance record of the Department or testimony be provided for a purpose authorized by law.

''(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality described in subparagraph (F), but only with respect to the subject of the proceeding.

''(2) PERSONALLY IDENTIFIABLE INFORMATION.—

''(A) IN GENERAL.—With the exception of the subject of a quality assurance action, personally identifiable information of any person receiving health care services from the Department or of any other person associated with the Department for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record of the Department shall be deleted from that record before any disclosure of the record is made outside the Department.

''(B) APPLICATION.—The requirement under subparagraph (A) shall not apply to the release of information that is permissible under section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974').

''(e) DISCLOSURE FOR CERTAIN PURPOSES.—Nothing in this section shall be construed—

''(1) to authorize or require the withholding from any person or entity aggregate statistical information regarding the results of medical quality assurance programs; or

''(2) to authorize the withholding of any medical quality assurance record of the Department from a committee of either House of Congress, any joint committee of Congress, or the Comptroller General of the United States if the record pertains to any matter within their respective jurisdictions.

''(f) PROHIBITION ON DISCLOSURE OF INFORMATION, RECORD, OR TESTIMONY.—A person or entity having possession of or access to a medical quality assurance record of the Department or testimony described in this section may not disclose the contents of the record or testimony in any manner or for any purpose except as provided in this section.

''(g) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—A medical quality assurance record of the Department shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the 'Freedom of Information Act').

''(h) LIMITATION ON CIVIL LIABILITY.—A person who participates in the review or creation of, or provides information to a person or body that reviews or creates, a medical quality assurance record of the Department shall not be civilly liable for that participation or for providing that information if the participation or provision of information was provided in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

''(i) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including the medical record of a patient, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

''(j) PENALTY.—Any person who willfully discloses a medical quality assurance record of the Department other than as provided in this section, knowing that the record is a medical quality assurance record of the Department shall be fined not more than $3,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.

''(k) RELATIONSHIP TO COAST GUARD.—The requirements of this section shall not apply to any medical quality assurance record of the Department that is created by or for the Coast Guard as part of a medical quality assurance program.''.

SEC. 5204. PORTABILITY OF LICENSURE.

(a) TRANSFER.—Section 16005 of the CARES Act (6 U.S.C. 320 note) is redesignated as section 2306 of the Homeland Security Act of 2002 and transferred so as to appear after section 2305, as added by section 5203 of this division.

(b) REPEAL.—Section 2306 of the Homeland Security Act of 2002, as so redesignated by subsection (a), is amended by striking subsection (c).

SEC. 5205. TECHNICAL AND CONFORMING AMENDMENTS.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in the table of contents in section 1(b) (Public Law 107–296; 116 Stat. 2135)—

(A) by striking the items relating to sections 528 and 529 and inserting the following:

''Sec. 528. Transfer of equipment during a public health emergency.'';

(B) by striking the items relating to sections 710, 711, 712, and 713 and inserting the following:

''Sec. 710. Employee engagement.
''Sec. 711. Annual employee award program.
''Sec. 712. Acquisition professional career program.'';

(C) by inserting after the item relating to section 1928 the following:

''Sec. 1929. Accountability.'';

(D) by striking the items relating to subtitle C of title XIX and sections 1931 and 1932; and

(E) by adding at the end the following:

''TITLE XXIII—OFFICE OF HEALTH SECURITY

''Sec. 2301. Office of Health Security.
''Sec. 2302. Workforce health and safety.
''Sec. 2303. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.
''Sec. 2304. Medical countermeasures.
''Sec. 2305. Confidentiality of medical quality assurance records.
''Sec. 2306. Portability of licensure.'';

(2) by redesignating section 529 (6 U.S.C. 321r) as section 528;

(3) in section 704(e)(4) (6 U.S.C. 344(e)(4)), by striking ''section 711(a)'' and inserting ''section 710(a))'';

(4) by redesignating sections 711, 712, and 713 as sections 710, 711, and 712, respectively;

(5) in section 1923(d)(3) (6 U.S.C. 592(d)(3))—

(A) in the paragraph heading, by striking ''HAWAIIAN NATIVE-SERVING'' and inserting ''NATIVE HAWAIIAN-SERVING''; and

(B) by striking ''Hawaiian native-serving'' and inserting '' 'Native Hawaiian-serving'';

(6) by striking the subtitle heading for subtitle C of title XIX;

(7) in section 2306, as so redesignated by section 5204 of this division—

(A) by inserting ''**PORTABILITY OF LICENSURE.**'' after ''2306.''; and

(B) in subsection (a), by striking ''(a) Notwithstanding'' and inserting the following:

''(a) IN GENERAL.—Notwithstanding''.

SA 6348. Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. BOOKER, and 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 appropriate place, insert the following:

SEC. _____. FAIRNESS FOR 9/11 FAMILIES.

(a) IN GENERAL.—Section 404(d)(4)(C) of the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144(d)(4)(C)) is amended by adding at the end the following:

''(iv) AUTHORIZATION.—

''(I) IN GENERAL.—The Special Master shall authorize lump sum catch-up payments in amounts equal to the amounts described in subclauses (I), (II), and (III) of clause (iii).

''(II) APPROPRIATIONS.—

''(aa) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Fund such sums as are necessary to carry out this clause, to remain available until expended.

''(bb) LIMITATION.—Amounts appropriated pursuant to item (aa) may not be used for a purpose other than to make lump sum catch-up payments under this clause.''.

(b) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided under the amendments made by subsection (a) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN THE SENATE AND THE HOUSE.—The amendments made by subsection (a) are designated as an emergency requirement pursuant to subsections (a) and (b) of section 4001 of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

(c) RESCISSION.—Of the unobligated balances of amounts made available under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'', for carrying out paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), $2,982,000,000 are hereby rescinded.

SA 6349. Mr. CASEY (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for

himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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 ____—PREGNANT WORKERS

SEC. ___1. SHORT TITLE.

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

SEC. ___2. DEFINITIONS.

As used in this title—

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

(2) the term ''covered entity''—

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

(B) includes—

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

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

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

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

(3) the term ''employee'' means—

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

(B) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), and an individual described in section 201(d) of that Act (2 U.S.C. 1311(d));

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

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

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

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

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

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

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

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

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

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

SEC. ___3. NONDISCRIMINATION WITH REGARD TO REASONABLE ACCOMMODATIONS RELATED TO PREGNANCY.

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

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

(2) require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in section ___2(7);

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

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

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

SEC. ___4. REMEDIES AND ENFORCEMENT.

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

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person alleging a violation of title VII of such Act (42 U.S.C. 2000e et seq.) shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section ___2(3)(A) except as provided in paragraphs (2) and (3) of this subsection.

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

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

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

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) for the purposes of addressing allegations of violations of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this title provides to address an allegation of an unlawful employment practice in violation of this title against an employee described in section ___2(3)(B), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) for the purposes of addressing allegations of such a violation shall be the powers, remedies, and procedures this title provides to address allegations of such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, for purposes of addressing allegations of such a violation, shall be the powers, remedies, and procedures this title provides to address any allegation of such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes (42 U.S.C. 1981a(a)(1))).

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

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person alleging a violation of section 411(a)(1) of such title shall be the powers, remedies, and procedures this title provides to the President, the Commission, the Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section ___2(3)(C), except as provided in paragraphs (2) and (3) of this subsection.

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

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

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

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b; 2000e–16c) to the Commission or any person alleging a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this title provides to the Commission or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section ___2(3)(D), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies,

and procedures this title provides to the Commission or any person alleging such practice.

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

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

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person alleging a violation of that section shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section ___2(3)(E), except as provided in paragraphs (2) and (3) of this subsection.

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

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

(f) PROHIBITION AGAINST RETALIATION.—

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

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

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

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

SEC. ___5. RULEMAKING.

(a) EEOC RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue regulations in an accessible format in accordance with subchapter II of chapter 5 of title 5, United States Code, to carry out this title. Such regulations shall provide examples of reasonable accommodations addressing known limitations related to pregnancy, childbirth, or related medical conditions.

(b) OCWR RULEMAKING.—

(1) IN GENERAL.—Not later than 6 months after the Commission issues regulations under subsection (a), the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)), issue regulations to implement the provisions of this title made applicable to employees described in section ___2(3)(B), under section ___4(b).

(2) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations issued by the Commission under subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulations issued under paragraph (1) that a modification of such substantive regulations would be more effective for the implementation of the rights and protection under this title.

SEC. ___6. WAIVER OF STATE IMMUNITY.

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

SEC. ___ 7. RELATIONSHIP TO OTHER LAWS.

Nothing in this title shall be construed—

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

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

SEC. ___8. SEVERABILITY.

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

SEC. ___9. EFFECTIVE DATE.

This title shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 6350. Mr. HICKENLOOPER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. ORBITAL SUSTAINABILITY AND REMEDIATION OF ORBITAL DEBRIS.

(a) FINDINGS; SENSE OF CONGRESS.—

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

(A) The safety and sustainability of operations in low-Earth orbit and nearby orbits in outer space have become increasingly endangered by a growing amount of orbital debris.

(B) Exploration and scientific research missions and commercial space services of critical importance to the United States rely on continued and secure access to outer space.

(C) Efforts by nongovernmental space entities to apply lessons learned through standards and best practices will benefit from government support for implementation both domestically and internationally.

(2) SENSE OF CONGRESS.—It is the sense of Congress that to preserve the sustainability of operations in space, the United States Government should—

(A) to the extent practicable, develop and carry out programs, establish or update regulations, and commence initiatives to minimize orbital debris, including initiatives to demonstrate active debris remediation of orbital debris generated by the United States Government;

(B) lead international efforts to encourage other spacefaring countries to mitigate and remediate orbital debris under their jurisdiction and control; and

(C) encourage space system operators to continue implementing best practices for space safety when deploying satellites and constellations of satellites, such as transparent data sharing and designing for system reliability, so as to limit the generation of future orbital debris.

(b) DEFINITIONS.—In this section:

(1) ACTIVE DEBRIS REMEDIATION.—The term ''active debris remediation''—

(A) means the deliberate process of facilitating the de-orbit, repurposing, or other disposal of orbital debris using an object or technique that is external or internal to the orbital debris; and

(B) does not include de-orbit, repurposing, or other disposal of orbital debris by passive means.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

(B) the Committee on Appropriations and the Committee on Science, Space, and Technology of the House of Representatives.

(4) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the active orbital debris remediation demonstration program carried out under subsection (c)(2).

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

(A) a United States-based—

(i) non-Federal, commercial entity;

(ii) institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

(iii) nonprofit organization;

(B) any other United States-based entity the Administrator considers appropriate; and

(C) a partnership of entities described in subparagraphs (A) and (B).

(6) ORBITAL DEBRIS.—The term ''orbital debris'' means any human-made space object orbiting Earth that—

(A) no longer serves any useful purpose; and

(B)(i) has reached the end of its mission; or

(ii) is incapable of maneuver or operation.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(8) SPACE TRAFFIC COORDINATION.—The term ''space traffic coordination'' means the planning, coordination, and on-orbit synchronization of activities to enhance the safety and sustainability of operations in the space environment.

(c) ACTIVE DEBRIS REMEDIATION.—

(1) PRIORITIZATION OF ORBITAL DEBRIS.—

(A) LIST.—Not later than 90 days after the date of the enactment of this Act, the Administrator, in consultation with the Secretary, the Secretary of Defense, the National Space Council, and representatives of the commercial space industry, academia, and nonprofit organizations, shall publish a list of identified orbital debris that pose the greatest immediate risk to the safety and sustainability of orbiting satellites and on-orbit activities.

(B) CONTENTS.—The list required under subparagraph (A)—

(i) shall be developed using appropriate sources of data and information derived from governmental and nongovernmental sources, including space situational awareness data obtained by the Office of Space Commerce, to the extent practicable;

(ii) shall include, to the extent practicable—

(I) a description of the approximate age, location in orbit, size, tumbling state, post-mission passivation actions taken, and national jurisdiction of each orbital debris identified; and

(II) a ranking of each orbital debris identified in terms of potential risk and feasibility for safe remediation; and

(iii) may include orbital debris that poses a significant risk to terrestrial people and assets, including risk resulting from potential environmental impacts from the uncontrolled reentry of the orbital debris identified.

(C) FORM; PUBLIC AVAILABILITY.—The list required under subparagraph (A) shall be—

(i) published in unclassified form;

(ii) made available to the public on the internet website of the National Aeronautics and Space Administration; and

(iii) updated periodically.

(D) RESEARCH AND DEVELOPMENT.—With respect to orbital debris identified under subparagraph (A) that is determined by the Administrator, in consultation with the National Space Council and the National Science and Technology Council, to be ineligible for remediation due to characteristics, size, or location in orbit that makes safe remediation infeasible, the Administrator shall, to the extent practicable, carry out the additional research and development activities necessary, in consultation with the commercial space industry, to mature technologies and enable potential future remediation missions for such orbital debris.

(2) ACTIVE ORBITAL DEBRIS REMEDIATION DEMONSTRATION PROGRAM.—

(A) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of the enactment of this Act, the Administrator, in consultation with the head of each relevant Federal department or agency, shall establish a demonstration program to make competitive awards for the remediation of orbital debris identified under paragraph (1)(A).

(B) PURPOSE.—The purpose of the demonstration program shall be to enable eligible entities to pursue the phased development and demonstration of technologies and processes required for active debris remediation.

(C) PROCEDURES AND CRITERIA.—In establishing the demonstration program, the Administrator shall—

(i) establish—

(I) eligibility criteria for participation;

(II) a process for soliciting proposals from eligible entities;

(III) criteria for the contents of such proposals;

(IV) program compliance and evaluation metrics; and

(V) program phases and milestones;

(ii) identify government-furnished data or equipment; and

(iii) develop a plan for National Aeronautics and Space Administration participation in technology development, as appropriate, and intellectual property rights.

(D) PROPOSAL EVALUATION.—In evaluating proposals for the demonstration program, the Administrator shall—

(i) consider the safety, feasibility, cost, benefit, and maturity of the proposed technology;

(ii) consider the potential for the proposed demonstration to successfully remediate orbital debris and to advance the commercial state of the art with respect to active debris remediation;

(iii) carry out a risk analysis of the proposed technology that takes into consideration the potential casualty risk to humans in space or on the Earth's surface;

(iv) in an appropriate setting, conduct thorough testing and evaluation of the proposed technology and each component of such technology or system of technologies; and

(v) consider the technical and financial feasibility of using the proposed technology to conduct multiple remediation missions.

(E) DEMONSTRATION MISSION.—

(i) IN GENERAL.—The Administrator shall consult with the head of each relevant Federal department or agency in advance of each demonstration mission.

(ii) ACTIVE DEBRIS REMEDIATION DEMONSTRATION MISSION.—It is the sense of Congress that the Administrator should consider not proceeding with an active debris remediation demonstration mission until multiple award recipients have demonstrated readiness to proceed.

(iii) SPECTRUM CONSIDERATIONS.—The Administrator shall convey any potential spectrum allocations and licensing needs for active debris remediation demonstration missions to the Federal Communications Commission through the National Telecommunications and Information Administration.

(F) REPORTS.—

(i) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act, the Administrator, in consultation with the head of each relevant Federal department or agency, shall submit to Congress a report that provides legislative, regulatory, and policy recommendations to improve the demonstration program and active debris remediation missions, as applicable.

(ii) TECHNICAL ANALYSIS.—

(I) IN GENERAL.—To inform decisions regarding the acquisition of active debris remediation services by the Federal Government, not later than 180 days after the completion of the demonstration program, the Administrator shall submit to Congress a report that—

(aa) summarizes a technical analysis of technologies developed under the demonstration program;

(bb) identifies any technology gaps addressed by the demonstration program and any remaining technology gaps; and

(cc) provides, as applicable, any further legislative, regulatory, and policy recommendations to enable active debris remediation missions.

(II) AVAILABILITY.—The Administration shall make the report submitted under subclause (I) available to the Secretary, the Secretary of Defense, and other relevant Federal departments and agencies, as determined by the Administrator.

(G) INTERNATIONAL COOPERATION.—

(i) IN GENERAL.—In carrying out the demonstration program, the Administrator, in consultation with the National Space Council and in collaboration with the Secretary of State, may pursue a cooperative relationship with one or more partner countries to enable the remediation of orbital debris identified under paragraph (1)(A) that is under the jurisdiction of such partner countries.

(ii) ARRANGEMENT OR AGREEMENT WITH PARTNER COUNTRY.—Any arrangement or agreement entered into with a partner country under clause (i) shall be—

(I) concluded—

(aa) in the interests of the United States Government; and

(bb) without prejudice to any contractual arrangement among commercial parties that may be required to complete the active debris remediation mission concerned; and

(II) consistent with the international obligations of the United States under the international legal framework governing outer space activities.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection $150,000,000 for fiscal years 2023 through 2027.

(d) ACTIVE DEBRIS REMEDIATION SERVICES.—

(1) IN GENERAL.—To foster the competitive development, operation, improvement, and commercial availability of active debris remediation services, and in consideration of the economic analysis required by paragraph (2) and the reports under subsection (c)(2)(F), the Administrator and the head of each relevant Federal department or agency may acquire services for the remediation of orbital debris, whenever practicable, through fair and open competition for contracts that are well-defined, milestone-based, and in accordance with the Federal Acquisition Regulation.

(2) ECONOMIC ANALYSIS.—Based on the results of the demonstration program, the Secretary, acting through the Office of Space Commerce, shall publish an assessment of the estimated Federal Government and private sector demand for orbital debris remediation services for the 10-year period beginning in 2024.

(e) UNIFORM ORBITAL DEBRIS STANDARD PRACTICES FOR UNITED STATES SPACE ACTIVITIES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the National Space Council, in coordination with the Secretary, the Administrator of the Federal Aviation Administration, the Secretary of Defense, the Federal Communications Commission, and the Administrator, shall initiate an update to the Orbital Debris Mitigation Standard Practices that—

(A) considers planned space systems, including satellite constellations; and

(B) addresses—

(i) collision risk;

(ii) casualty probability;

(iii) post-mission disposal of space systems;

(iv) time to disposal or de-orbit;

(v) spacecraft collision avoidance and automated identification capability; and

(vi) the ability to track orbital debris of decreasing size.

(2) CONSULTATION.—In developing the update under paragraph (1), the National Space Council shall seek advice and input on commercial standards and best practices from representatives of the commercial space industry, academia, and nonprofit organizations.

(3) PUBLICATION.—Not later than 1 year after the date of the enactment of this Act, such update shall be published in the Federal Register and posted to the relevant Federal Government websites.

(4) REGULATIONS.—To promote uniformity and avoid duplication in the regulation of space activity, including licensing by the Federal Aviation Administration, the National Oceanic and Atmospheric Administration, and the Federal Communications Commission, such update, after publication, shall be used to inform the further development and promulgation of Federal regulations relating to orbital debris.

(5) INTERNATIONAL PROMOTION.—To encourage effective and nondiscriminatory standards, best practices, rules, and regulations implemented by other countries, such update shall inform bilateral and multilateral discussions focused on the authorization and continuing supervision of nongovernmental space activities.

(6) REVIEW.—Not later than 5 years after the completion of such update, and every 5 years thereafter, the Secretary, in consultation with representatives of the commercial space industry, academia, and nonprofit organizations, shall—

(A) conduct a review of the Orbital Debris Mitigation Standard Practices applicable to space systems; and

(B) submit to the National Space Council recommendations for modifications to such standard practices.

(f) STANDARD PRACTICES FOR SPACE TRAFFIC COORDINATION.—

(1) IN GENERAL.—The Secretary, in coordination with members of the National Space Council and the Federal Communications Commission, shall facilitate the development of standard practices for on-orbit space traffic coordination based on guidelines and best practices used by Government and commercial space industry operators.

(2) CONSULTATION.—In facilitating the development of standard practices under paragraph (1), the Secretary, through the Office of Space Commerce, shall engage in frequent and routine consultation with representatives of the commercial space industry, academia, and nonprofit organizations.

(3) PROMOTION OF STANDARD PRACTICES.—On completion of such standard practices, the Secretary, the Secretary of State, the Secretary of Transportation, the Administrator, and the Secretary of Defense shall promote the adoption and use of the standard practices for domestic and international space missions.

SA 6351. Mr. BENNET (for himself and Mr. SASSE) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. EMERGING TECHNOLOGY LEADS.

(a) DEFINITIONS.—In this section:

(1) COVERED INDIVIDUAL.—The term ''covered individual'' means—

(A) an individual serving in a Senior Executive Service position, as that term is defined in section 3132(a) of title 5, United States Code;

(B) an individual who—

(i) is serving in a position to which section 5376 of title 5, United States Code, applies; and

(ii) has a significant amount of seniority and experience, as determined by the head of the applicable covered Federal agency; or

(C) another individual who is the equivalent of an individual described in subparagraph (A) or (B), as determined by the head of the applicable covered Federal agency.

(2) COVERED FEDERAL AGENCY.—The term ''covered Federal agency'' means—

(A) an agency listed in section 901(b) of title 31, United States Code; or

(B) an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(b) APPOINTMENT OR DESIGNATION.—Each covered Federal agency that is also substantially engaged in the development, application, or oversight of emerging technologies shall consider appointing or designating a covered individual as an emerging technology lead to advise the agency on the responsible use of emerging technologies, including artificial intelligence, provide expertise on responsible policies and practices, collaborate with interagency coordinating bodies, and provide input for procurement policies.

(c) INFORMING CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall inform Congress of each covered Federal agency in which a covered individual has been appointed or designated as an emerging technology lead under subsection (b) and provide Congress with a description of the authorities and responsibilities of the covered individuals so appointed.

SA 6352. Mr. BENNET (for himself and Mr. HICKENLOOPER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe 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—COLORADO OUTDOOR RECREATION ECONOMY

TITLE L—DEFINITION OF STATE

SEC. 5001. DEFINITION OF STATE.

In this division, the term ''State'' means the State of Colorado.

TITLE LI—CONTINENTAL DIVIDE

SEC. 5101. DEFINITIONS.

In this title:

(1) COVERED AREA.—The term ''covered area'' means any area designated as wilderness by the amendments to section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) made by section 5102(a).

(2) HISTORIC LANDSCAPE.—The term ''Historic Landscape'' means the Camp Hale National Historic Landscape designated by section 5108(a).

(3) RECREATION MANAGEMENT AREA.—The term ''Recreation Management Area'' means the Tenmile Recreation Management Area designated by section 5104(a).

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

(5) WILDLIFE CONSERVATION AREA.—The term ''Wildlife Conservation Area'' means, as applicable—

(A) the Porcupine Gulch Wildlife Conservation Area designated by section 5105(a);

(B) the Williams Fork Mountains Wildlife Conservation Area designated by section 5106(a); and

(C) the Spraddle Creek Wildlife Conservation Area designated by section 5107(a).

SEC. 5102. COLORADO WILDERNESS ADDITIONS.

(a) DESIGNATION.—Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) is amended—

(1) in paragraph (18), by striking ''1993,'' and inserting ''1993, and certain Federal land within the White River National Forest that comprises approximately 6,896 acres, as generally depicted as 'Proposed Ptarmigan Peak Wilderness Additions' on the map entitled 'Proposed Ptarmigan Peak Wilderness Additions' and dated June 24, 2019,''; and

(2) by adding at the end the following:

''(23) HOLY CROSS WILDERNESS ADDITION.—Certain Federal land within the White River National Forest that comprises approximately 3,866 acres, as generally depicted as 'Proposed Megan Dickie Wilderness Addition' on the map entitled 'Holy Cross Wilderness Addition Proposal' and dated June 24, 2019, which shall be incorporated into, and managed as part of, the Holy Cross Wilderness designated by section 102(a)(5) of Public Law 96–560 (94 Stat. 3266).

''(24) HOOSIER RIDGE WILDERNESS.—Certain Federal land within the White River National Forest that comprises approximately 5,235 acres, as generally depicted as 'Proposed Hoosier Ridge Wilderness' on the map entitled 'Tenmile Proposal' and dated April 22, 2022, which shall be known as the 'Hoosier Ridge Wilderness'.

''(25) TENMILE WILDERNESS.—Certain Federal land within the White River National Forest that comprises approximately 7,624 acres, as generally depicted as 'Proposed Tenmile Wilderness' on the map entitled 'Tenmile Proposal' and dated April 22, 2022, which shall be known as the 'Tenmile Wilderness'.

''(26) EAGLES NEST WILDERNESS ADDITIONS.—Certain Federal land within the White River National Forest that comprises approximately 7,634 acres, as generally depicted as 'Proposed Freeman Creek Wilderness Addition' and 'Proposed Spraddle Creek Wilderness Addition' on the map entitled 'Eagles Nest Wilderness Additions Proposal' and dated April 26, 2022, which shall be incorporated into, and managed as part of, the Eagles Nest Wilderness designated by Public Law 94–352 (90 Stat. 870).''.

(b) APPLICABLE LAW.—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 for purposes of administering a covered area.

(c) FIRE, INSECTS, AND DISEASES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may carry out any activity in a covered area that the Secretary determines to be necessary for the control of fire, insects, and

diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

(d) GRAZING.—The grazing of livestock on a covered area, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered to be necessary by the Secretary, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) 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).

(e) COORDINATION.—For purposes of administering the Federal land designated as wilderness by paragraph (26) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by subsection (a)(2)), the Secretary shall, as determined to be appropriate for the protection of watersheds, coordinate the activities of the Secretary in response to fires and flooding events with interested State and local agencies.

SEC. 5103. WILLIAMS FORK MOUNTAINS POTENTIAL WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land in the White River National Forest in the State, comprising approximately 8,036 acres, as generally depicted as ''Proposed Williams Fork Mountains Wilderness'' on the map entitled ''Williams Fork Mountains Proposal'' and dated June 24, 2019, is designated as a potential wilderness area.

(b) MANAGEMENT.—Subject to valid existing rights and except as provided in subsection (d), the potential wilderness area designated by subsection (a) shall be managed in accordance with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) this section.

(c) LIVESTOCK USE OF VACANT ALLOTMENTS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with applicable laws (including regulations), the Secretary shall publish a determination regarding whether to authorize livestock grazing or other use by livestock on the vacant allotments known as—

(A) the ''Big Hole Allotment''; and

(B) the ''Blue Ridge Allotment''.

(2) MODIFICATION OF ALLOTMENTS.—In publishing a determination pursuant to paragraph (1), the Secretary may modify or combine the vacant allotments referred to in that paragraph.

(3) PERMIT OR OTHER AUTHORIZATION.—Not later than 1 year after the date on which a determination of the Secretary to authorize livestock grazing or other use by livestock is published under paragraph (1), if applicable, the Secretary shall grant a permit or other authorization for that livestock grazing or other use in accordance with applicable laws (including regulations).

(d) RANGE IMPROVEMENTS.—

(1) IN GENERAL.—If the Secretary permits livestock grazing or other use by livestock on the potential wilderness area under subsection (c), the Secretary, or a third party authorized by the Secretary, may use motorized or mechanized transport or equipment for purposes of constructing or rehabilitating such range improvements as are necessary to obtain appropriate livestock management objectives (including habitat and watershed restoration).

(2) TERMINATION OF AUTHORITY.—The authority provided by this subsection terminates on the date that is 2 years after the date on which the Secretary publishes a positive determination under subsection (c)(3).

(e) DESIGNATION AS WILDERNESS.—

(1) DESIGNATION.—The potential wilderness area designated by subsection (a) shall be designated as wilderness, to be known as the ''Williams Fork Mountains Wilderness''—

(A) effective not earlier than the date that is 180 days after the date of enactment this Act; and

(B) on the earliest of—

(i) the date on which the Secretary publishes in the Federal Register a notice that the construction or rehabilitation of range improvements under subsection (d) is complete;

(ii) the date described in subsection (d)(2); and

(iii) the effective date of a determination of the Secretary not to authorize livestock grazing or other use by livestock under subsection (c)(1).

(2) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage the Williams Fork Mountains Wilderness in accordance with the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date on which the Williams Fork Mountains Wilderness is designated in accordance with paragraph (1).

SEC. 5104. TENMILE RECREATION MANAGEMENT AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 17,120 acres of Federal land in the White River National Forest in the State, as generally depicted as ''Proposed Tenmile Recreation Management Area'' on the map entitled ''Tenmile Proposal'' and dated April 22, 2022, are designated as the ''Tenmile Recreation Management Area''.

(b) PURPOSES.—The purposes of the Recreation Management Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the recreational, scenic, watershed, habitat, and ecological resources of the Recreation Management Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Recreation Management Area—

(A) in a manner that conserves, protects, and enhances—

(i) the purposes of the Recreation Management Area described in subsection (b); and

(ii) recreation opportunities, including mountain biking, hiking, fishing, horseback riding, snowshoeing, climbing, skiing, camping, and hunting; and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Recreation Management Area as the Secretary determines would further the purposes described in subsection (b).

(B) VEHICLES.—

(i) IN GENERAL.—Except as provided in clause (iii), the use of motorized vehicles in the Recreation Management Area shall be limited to the roads, vehicle classes, and periods authorized for motorized vehicle use on the date of enactment of this Act.

(ii) NEW OR TEMPORARY ROADS.—Except as provided in clause (iii), no new or temporary road shall be constructed in the Recreation Management Area.

(iii) EXCEPTIONS.—Nothing in clause (i) or (ii) prevents the Secretary from—

(I) rerouting or closing an existing road or trail to protect natural resources from degradation, as the Secretary determines to be appropriate;

(II) authorizing the use of motorized vehicles for administrative purposes or roadside camping;

(III) constructing temporary roads or permitting the use of motorized vehicles to carry out pre- or post-fire watershed protection projects;

(IV) authorizing the use of motorized vehicles to carry out any activity described in subsection (d), (e)(1), or (f); or

(V) responding to an emergency.

(C) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Recreation Management Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized under this section.

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to manage wildland fire and treat hazardous fuels, insects, and diseases in the Recreation Management Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) WATER.—

(1) EFFECT ON WATER MANAGEMENT INFRASTRUCTURE.—Nothing in this section affects the construction, repair, reconstruction, replacement, operation, maintenance, or renovation within the Recreation Management Area of—

(A) water management infrastructure in existence on the date of enactment of this Act; or

(B) any future infrastructure necessary for the development or exercise of water rights decreed before the date of enactment of this Act.

(2) APPLICABLE LAW.—Section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107–216; 116 Stat. 1058) shall apply to the Recreation Management Area.

(f) PERMITS.—Nothing in this section affects—

(1) any permit held by a ski area or other entity; or

(2) the implementation of associated activities or facilities authorized by law or permit outside the boundaries of the Recreation Management Area.

SEC. 5105. PORCUPINE GULCH WILDLIFE CONSERVATION AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 8,287 acres of Federal land located in the White River National Forest, as generally depicted as ''Proposed Porcupine Gulch Wildlife Conservation Area'' on the map entitled ''Porcupine Gulch Wildlife Conservation Area Proposal'' and dated June 24, 2019, are designated as the ''Porcupine Gulch Wildlife Conservation Area'' (referred to in this section as the ''Wildlife Conservation Area'').

(b) PURPOSES.—The purposes of the Wildlife Conservation Area are—

(1) to conserve and protect a wildlife migration corridor over Interstate 70; and

(2) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the wildlife, scenic, roadless, watershed, and ecological resources of the Wildlife Conservation Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Wildlife Conservation Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (b); and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Wildlife Conservation Area as the Secretary determines would further the purposes described in subsection (b).

(B) RECREATION.—The Secretary may permit such recreational activities in the Wildlife Conservation Area that the Secretary determines are consistent with the purposes described in subsection (b).

(C) MOTORIZED VEHICLES AND MECHANIZED TRANSPORT; NEW OR TEMPORARY ROADS.—

(i) MOTORIZED VEHICLES AND MECHANIZED TRANSPORT.—Except as provided in clause (iii), the use of motorized vehicles and mechanized transport in the Wildlife Conservation Area shall be prohibited.

(ii) NEW OR TEMPORARY ROADS.—Except as provided in clause (iii) and subsection (e), no new or temporary road shall be constructed within the Wildlife Conservation Area.

(iii) EXCEPTIONS.—Nothing in clause (i) or (ii) prevents the Secretary from—

(I) authorizing the use of motorized vehicles or mechanized transport for administrative purposes;

(II) constructing temporary roads or permitting the use of motorized vehicles or mechanized transport to carry out pre- or post-fire watershed protection projects;

(III) authorizing the use of motorized vehicles or mechanized transport to carry out activities described in subsection (d) or (e); or

(IV) responding to an emergency.

(D) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Wildlife Conservation Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized under this section.

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to manage wildland fire and treat hazardous fuels, insects, and diseases in the Wildlife Conservation Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) REGIONAL TRANSPORTATION PROJECTS.—Nothing in this section or section 5111(f) precludes the Secretary from authorizing, in accordance with applicable laws (including regulations) and subject to valid existing rights, the use of the subsurface of the Wildlife Conservation Area to construct, realign, operate, or maintain regional transportation projects, including Interstate 70 and the Eisenhower-Johnson Tunnels.

(f) WATER.—Section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107–216; 116 Stat. 1058) shall apply to the Wildlife Conservation Area.

SEC. 5106. WILLIAMS FORK MOUNTAINS WILDLIFE CONSERVATION AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 3,528 acres of Federal land in the White River National Forest in the State, as generally depicted as ''Proposed Williams Fork Mountains Wildlife Conservation Area'' on the map entitled ''Williams Fork Mountains Proposal'' and dated June 24, 2019, are designated as the ''Williams Fork Mountains Wildlife Conservation Area'' (referred to in this section as the ''Wildlife Conservation Area'').

(b) PURPOSES.—The purposes of the Wildlife Conservation Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the wildlife, scenic, roadless, watershed, recreational, and ecological resources of the Wildlife Conservation Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Wildlife Conservation Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (b); and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Wildlife Conservation Area as the Secretary determines would further the purposes described in subsection (b).

(B) MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clause (iii), the use of motorized vehicles in the Wildlife Conservation Area shall be limited to designated roads and trails.

(ii) NEW OR TEMPORARY ROADS.—Except as provided in clause (iii), no new or temporary road shall be constructed in the Wildlife Conservation Area.

(iii) EXCEPTIONS.—Nothing in clause (i) or (ii) prevents the Secretary from—

(I) authorizing the use of motorized vehicles for administrative purposes;

(II) authorizing the use of motorized vehicles to carry out activities described in subsection (d); or

(III) responding to an emergency.

(C) BICYCLES.—The use of bicycles in the Wildlife Conservation Area shall be limited to designated roads and trails.

(D) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Wildlife Conservation Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized under this section.

(E) GRAZING.—The laws (including regulations) and policies followed by the Secretary in issuing and administering grazing permits or leases on land under the jurisdiction of the Secretary shall continue to apply with regard to the land in the Wildlife Conservation Area, consistent with the purposes described in subsection (b).

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to manage wildland fire and treat hazardous fuels, insects, and diseases in the Wildlife Conservation Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) WATER.—Section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107–216; 116 Stat. 1058) shall apply to the Wildlife Conservation Area.

SEC. 5107. SPRADDLE CREEK WILDLIFE CONSERVATION AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 2,674 acres of Federal land in the White River National Forest in the State, as generally depicted as ''Proposed Spraddle Creek Wildlife Conservation Area'' on the map entitled ''Eagles Nest Wilderness Additions Proposal'' and dated April 26, 2022, are designated as the ''Spraddle Creek Wildlife Conservation Area'' (referred to in this section as the ''Wildlife Conservation Area'').

(b) PURPOSES.—The purposes of the Wildlife Conservation Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the wildlife, scenic, roadless, watershed, recreational, and ecological resources of the Wildlife Conservation Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Wildlife Conservation Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (b); and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this title.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Wildlife Conservation Area as the Secretary determines would further the purposes described in subsection (b).

(B) MOTORIZED VEHICLES AND MECHANIZED TRANSPORT.—Except as necessary for administrative purposes or to respond to an emergency, the use of motorized vehicles and mechanized transport in the Wildlife Conservation Area shall be prohibited.

(C) ROADS.—

(i) IN GENERAL.—Except as provided in clause (ii), no road shall be constructed in the Wildlife Conservation Area.

(ii) EXCEPTIONS.—Nothing in clause (i) prevents the Secretary from—

(I) constructing a temporary road as the Secretary determines to be necessary as a minimum requirement for carrying out a vegetation management project in the Wildlife Conservation Area; or

(II) responding to an emergency.

(iii) DECOMMISSIONING OF TEMPORARY ROADS.—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 clause (ii)(I) for the applicable vegetation management project.

(D) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Wildlife Conservation Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized in the Wildlife Conservation Area under this section.

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to manage wildland fire and treat hazardous fuels, insects, and diseases in the Wildlife Conservation Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) WATER.—Section 3(e) of the James Peak Wilderness and Protection Area Act (Public Law 107–216; 116 Stat. 1058) shall apply to the Wildlife Conservation Area.

SEC. 5108. CAMP HALE NATIONAL HISTORIC LANDSCAPE.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 28,197 acres of Federal land in the White River National Forest in the State, as generally depicted as ''Proposed Camp Hale National Historic Landscape'' on the map entitled ''Camp Hale National Historic Landscape Proposal'' and dated April 22, 2022, are designated the ''Camp Hale National Historic Landscape''.

(b) PURPOSES.—The purposes of the Historic Landscape are—

(1) to provide for—

(A) the interpretation of historic events, activities, structures, and artifacts of the Historic Landscape, including with respect

to the role of the Historic Landscape in local, national, and world history;

(B) the preservation of the historic resources of the Historic Landscape, consistent with the other purposes of the Historic Landscape;

(C) recreational opportunities, with an emphasis on the activities related to the historic use of the Historic Landscape, including skiing, snowshoeing, snowmobiling, hiking, horseback riding, climbing, other road- and trail-based activities, and other outdoor activities; and

(D) the continued environmental remediation and removal of unexploded ordnance at the Camp Hale Formerly Used Defense Site and the Camp Hale historic cantonment area; and

(2) to conserve, protect, restore, and enhance for the benefit and enjoyment of present and future generations the scenic, watershed, and ecological resources of the Historic Landscape.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Historic Landscape in accordance with—

(A) the purposes of the Historic Landscape described in subsection (b); and

(B) any other applicable laws (including regulations).

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary shall prepare a management plan for the Historic Landscape.

(B) CONTENTS.—The management plan prepared under subparagraph (A) shall include plans for—

(i) improving the interpretation of historic events, activities, structures, and artifacts of the Historic Landscape, including with respect to the role of the Historic Landscape in local, national, and world history;

(ii) conducting historic preservation and veteran outreach and engagement activities;

(iii) managing recreational opportunities, including the use and stewardship of—

(I) the road and trail systems; and

(II) dispersed recreation resources;

(iv) the conservation, protection, restoration, or enhancement of the scenic, watershed, and ecological resources of the Historic Landscape, including—

(I) conducting the restoration and enhancement project under subsection (d);

(II) forest fuels, wildfire, and mitigation management; and

(III) watershed health and protection;

(v) environmental remediation and, consistent with subsection (e)(2), the removal of unexploded ordnance; and

(vi) managing the Historic Landscape in accordance with subsection (g).

(3) EXPLOSIVE HAZARDS.—The Secretary shall provide to the Secretary of the Army a notification of any unexploded ordnance (as defined in section 101(e) of title 10, United States Code) that is discovered in the Historic Landscape.

(d) CAMP HALE RESTORATION AND ENHANCEMENT PROJECT.—

(1) IN GENERAL.—The Secretary shall conduct a restoration and enhancement project in the Historic Landscape—

(A) to improve aquatic, riparian, and wetland conditions in and along the Eagle River and tributaries of the Eagle River;

(B) to maintain or improve recreation and interpretive opportunities and facilities; and

(C) to conserve historic values in the Camp Hale area.

(2) COORDINATION.—In carrying out the project described in paragraph (1), the Secretary shall coordinate with, and provide the opportunity to collaborate on the project to—

(A) the Corps of Engineers;

(B) the Camp Hale-Eagle River Headwaters Collaborative Group;

(C) the National Forest Foundation;

(D) the Colorado Department of Public Health and Environment;

(E) the Colorado State Historic Preservation Office;

(F) the Colorado Department of Natural Resources;

(G) units of local government; and

(H) other interested organizations and members of the public.

(e) ENVIRONMENTAL REMEDIATION.—

(1) IN GENERAL.—The Secretary of the Army shall continue to carry out the projects and activities of the Department of the Army in existence on the date of enactment of this Act relating to cleanup of—

(A) the Camp Hale Formerly Used Defense Site; or

(B) the Camp Hale historic cantonment area.

(2) REMOVAL OF UNEXPLODED ORDNANCE.—

(A) IN GENERAL.—The Secretary of the Army may remove unexploded ordnance (as defined in section 101(e) of title 10, United States Code) from the Historic Landscape, as the Secretary of the Army determines to be appropriate in accordance with applicable law (including regulations).

(B) ACTION ON RECEIPT OF NOTICE.—On receipt from the Secretary of a notification of unexploded ordnance under subsection (c)(3), the Secretary of the Army may remove the unexploded ordnance in accordance with—

(i) the program for environmental restoration of formerly used defense sites under section 2701 of title 10, United States Code;

(ii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(iii) any other applicable provision of law (including regulations).

(3) EFFECT OF SUBSECTION.—Nothing in this subsection modifies any obligation in existence on the date of enactment of this Act relating to environmental remediation or removal of any unexploded ordnance located in or around the Camp Hale historic cantonment area, the Camp Hale Formerly Used Defense Site, or the Historic Landscape, including such an obligation under—

(A) the program for environmental restoration of formerly used defense sites under section 2701 of title 10, United States Code;

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(C) any other applicable provision of law (including regulations).

(f) INTERAGENCY AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of the Army shall enter into an agreement—

(1) to specify—

(A) the activities of the Secretary relating to the management of the Historic Landscape; and

(B) the activities of the Secretary of the Army relating to environmental remediation and the removal of unexploded ordnance in accordance with subsection (e) and other applicable laws (including regulations); and

(2) to require the Secretary to provide to the Secretary of the Army, by not later than 1 year after the date of enactment of this Act and periodically thereafter, as appropriate, a management plan for the Historic Landscape for purposes of the removal activities described in subsection (e).

(g) EFFECT.—Nothing in this section—

(1) affects the jurisdiction of the State over any water law, water right, or adjudication or administration relating to any water resource;

(2) affects any water right in existence on the date of enactment of this Act, or the exercise of such a water right, including—

(A) a water right subject to an interstate water compact (including full development of any apportionment made in accordance with such a compact);

(B) a water right decreed within, above, below, or through the Historic Landscape;

(C) a change, exchange, plan for augmentation, or other water decree with respect to a water right, including a conditional water right, in existence on the date of enactment of this Act—

(i) that is consistent with the purposes described in subsection (b); and

(ii) that does not result in diversion of a greater flow rate or volume of water for such a water right in existence on the date of enactment of this Act;

(D) a water right held by the United States;

(E) the management or operation of any reservoir, including the storage, management, release, or transportation of water; and

(F) the construction or operation of such infrastructure as is determined to be necessary by an individual or entity holding water rights to develop and place to beneficial use those rights, subject to applicable Federal, State, and local law (including regulations);

(3) constitutes an express or implied reservation by the United States of any reserved or appropriative water right;

(4) affects—

(A) any permit held by a ski area or other entity; or

(B) the implementation of associated activities or facilities authorized by law or permit outside the boundaries of the Historic Landscape;

(5) prevents the Secretary from closing portions of the Historic Landscape for public safety, environmental remediation, or other use in accordance with applicable laws; or

(6) affects—

(A) any special use permit in effect on the date of enactment of this Act; or

(B) the renewal of a permit described in subparagraph (A).

(h) FUNDING.—There is authorized to be appropriated $10,000,000 for activities relating to historic interpretation, preservation, and restoration carried out in and around the Historic Landscape.

(i) DESIGNATION OF OVERLOOK.—The interpretive site located beside United States Route 24 in the State, at 39.431N 106.323W, is designated as the ''Sandy Treat Overlook''.

SEC. 5109. WHITE RIVER NATIONAL FOREST BOUNDARY MODIFICATION.

(a) IN GENERAL.—The boundary of the White River National Forest is modified to include the approximately 120 acres comprised of the SW¼, the SE¼, and the NE¼ of the SE¼ of sec. 1, T. 2 S., R. 80 W., 6th Principal Meridian, in Summit County in the State.

(b) LAND AND WATER CONSERVATION FUND.—For purposes of section 200306 of title 54, United States Code, the boundaries of the White River National Forest, as modified by subsection (a), shall be considered to be the boundaries of the White River National Forest as in existence on January 1, 1965.

SEC. 5110. ROCKY MOUNTAIN NATIONAL PARK POTENTIAL WILDERNESS BOUNDARY ADJUSTMENT.

(a) PURPOSE.—The purpose of this section is to provide for the ongoing maintenance and use of portions of the Trail River Ranch and the associated property located within Rocky Mountain National Park in Grand County in the State.

(b) BOUNDARY ADJUSTMENT.—Section 1952(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1070) is amended by adding at the end the following:

''(3) BOUNDARY ADJUSTMENT.—The boundary of the Potential Wilderness is modified to exclude the area comprising approximately 15.5 acres of land identified as 'Potential Wilderness to Non-wilderness' on the map entitled 'Rocky Mountain National Park Proposed Wilderness Area Amendment' and dated January 16, 2018.''.

SEC. 5111. ADMINISTRATIVE PROVISIONS.

(a) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction or responsibility of the State with respect to fish and wildlife in the State.

(b) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this title or an amendment made by this title establishes a protective perimeter or buffer zone around—

(A) a covered area;

(B) a wilderness area or potential wilderness area designated by section 5103;

(C) the Recreation Management Area;

(D) a Wildlife Conservation Area; or

(E) the Historic Landscape.

(2) OUTSIDE ACTIVITIES.—The fact that a nonwilderness activity or use on land outside of an area described in paragraph (1) can be seen or heard from within the applicable area described in paragraph (1) shall not preclude the activity or use outside the boundary of the applicable area described in paragraph (1).

(c) TRIBAL RIGHTS AND USES.—

(1) TREATY RIGHTS.—Nothing in this title affects the treaty rights of an Indian Tribe.

(2) TRADITIONAL TRIBAL USES.—Subject to any terms and conditions that the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the areas described in subsection (b)(1) by members of Indian Tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other materials.

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare maps and legal descriptions of each area described in subsection (b)(1) with—

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

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

(2) FORCE OF LAW.—Each map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may—

(A) correct any typographical errors in the maps and legal descriptions; and

(B) in consultation with the State, make minor adjustments to the boundaries of the Tenmile Recreation Management Area designated by section 5104(a), the Porcupine Gulch Wildlife Conservation Area designated by section 5105(a), and the Williams Fork Mountains Wildlife Conservation Area designated by section 5106(a) to account for potential highway or multimodal transportation system construction, safety measures, maintenance, realignment, or widening.

(3) PUBLIC AVAILABILITY.—Each map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire any land or interest in land within the boundaries of an area described in subsection (b)(1) by donation, purchase from a willing seller, or exchange.

(2) MANAGEMENT.—Any land or interest in land acquired under paragraph (1) shall be incorporated into, and administered as a part of, the wilderness area, Recreation Management Area, Wildlife Conservation Area, or Historic Landscape, as applicable, in which the land or interest in land is located.

(f) WITHDRAWAL.—Subject to valid existing rights, the areas described in subsection (b)(1) are withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under mining laws; and

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

(g) MILITARY OVERFLIGHTS.—Nothing in this title or an amendment made by this title restricts or precludes—

(1) any low-level overflight of military aircraft over any area subject to this title or an amendment made by this title, including military overflights that can be seen, heard, or detected within such an area;

(2) flight testing or evaluation over an area described in paragraph (1); or

(3) the use or establishment of—

(A) any new unit of special use airspace over an area described in paragraph (1); or

(B) any military flight training or transportation over such an area.

(h) SENSE OF CONGRESS.—It is the sense of Congress that military aviation training on Federal public land in the State, including the training conducted at the High-Altitude Army National Guard Aviation Training Site, is critical to the national security of the United States and the readiness of the Armed Forces.

TITLE LII—SAN JUAN MOUNTAINS

SEC. 5201. DEFINITIONS.

In this title:

(1) COVERED LAND.—The term ''covered land'' means—

(A) land designated as wilderness under paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 5202); and

(B) a Special Management Area.

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

(3) SPECIAL MANAGEMENT AREA.—The term ''Special Management Area'' means each of—

(A) the Sheep Mountain Special Management Area designated by section 5203(a)(1); and

(B) the Liberty Bell East Special Management Area designated by section 5203(a)(2).

SEC. 5202. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as amended by section 5102(a)(2)) is amended by adding at the end the following:

''(27) LIZARD HEAD WILDERNESS ADDITION.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 3,141 acres, as generally depicted on the map entitled 'Proposed Wilson, Sunshine, Black Face and San Bernardo Additions to the Lizard Head Wilderness' and dated September 6, 2018, which is incorporated in, and shall be administered as part of, the Lizard Head Wilderness.

''(28) MOUNT SNEFFELS WILDERNESS ADDITIONS.—

''(A) LIBERTY BELL AND LAST DOLLAR ADDITIONS.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 7,235 acres, as generally depicted on the map entitled 'Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area' and dated September 6, 2018, which is incorporated in, and shall be administered as part of, the Mount Sneffels Wilderness.

''(B) WHITEHOUSE ADDITIONS.—Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 12,465 acres, as generally depicted on the map entitled 'Proposed Whitehouse Additions to the Mt. Sneffels Wilderness' and dated September 6, 2018, which is incorporated in, and shall be administered as part of, the Mount Sneffels Wilderness.

''(29) MCKENNA PEAK WILDERNESS.—Certain Federal land in the State of Colorado comprising approximately 8,884 acres of Bureau of Land Management land, as generally depicted on the map entitled 'Proposed McKenna Peak Wilderness Area' and dated September 18, 2018, to be known as the 'McKenna Peak Wilderness'.''.

SEC. 5203. SPECIAL MANAGEMENT AREAS.

(a) DESIGNATION.—

(1) SHEEP MOUNTAIN SPECIAL MANAGEMENT AREA.—The Federal land in the Grand Mesa, Uncompahgre, and Gunnison and San Juan National Forests in the State comprising approximately 21,663 acres, as generally depicted on the map entitled ''Proposed Sheep Mountain Special Management Area'' and dated September 19, 2018, is designated as the ''Sheep Mountain Special Management Area''.

(2) LIBERTY BELL EAST SPECIAL MANAGEMENT AREA.—The Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests in the State comprising approximately 792 acres, as generally depicted on the map entitled ''Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area'' and dated September 6, 2018, is designated as the ''Liberty Bell East Special Management Area''.

(b) PURPOSE.—The purpose of the Special Management Areas is to conserve and protect for the benefit and enjoyment of present and future generations the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the Special Management Areas.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Special Management Areas in a manner that—

(A) conserves, protects, and enhances the resources and values of the Special Management Areas described in subsection (b);

(B) subject to paragraph (3), maintains or improves the wilderness character of the Special Management Areas and the suitability of the Special Management Areas for potential inclusion in the National Wilderness Preservation System; and

(C) is in accordance with—

(i) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(ii) this title; and

(iii) any other applicable laws.

(2) PROHIBITIONS.—The following shall be prohibited in the Special Management Areas:

(A) Permanent roads.

(B) Except as necessary to meet the minimum requirements for the administration of the Federal land, to provide access for abandoned mine cleanup, and to protect public health and safety—

(i) the use of motor vehicles, motorized equipment, or mechanical transport (other than as provided in paragraph (3)); and

(ii) the establishment of temporary roads.

(3) AUTHORIZED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may allow any activities (including helicopter access for recreation and maintenance and the competitive running event permitted since 1992) that have been authorized by permit or license as of the date of enactment of this Act to continue within the Special Management Areas, subject to such terms and conditions as the Secretary may require.

(B) PERMITTING.—The designation of the Special Management Areas by subsection (a)

shall not affect the issuance of permits relating to the activities covered under subparagraph (A) after the date of enactment of this Act.

(C) BICYCLES.—The Secretary may permit the use of bicycles in—

(i) the portion of the Sheep Mountain Special Management Area identified as ''Ophir Valley Area'' on the map entitled ''Proposed Sheep Mountain Special Management Area'' and dated September 19, 2018; and

(ii) the portion of the Liberty Bell East Special Management Area identified as ''Liberty Bell Corridor'' on the map entitled ''Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area'' and dated September 6, 2018.

(d) APPLICABLE LAW.—Water and water rights in the Special Management Areas shall be administered in accordance with section 8 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 762), except that, for purposes of this title—

(1) any reference contained in that section to ''the lands designated as wilderness by this Act'', ''the Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act'', or ''the areas described in sections 2, 5, 6, and 9 of this Act'' shall be considered to be a reference to ''the Special Management Areas''; and

(2) any reference contained in that section to ''this Act'' shall be considered to be a reference to ''division E of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023''.

SEC. 5204. RELEASE OF WILDERNESS STUDY AREAS.

(a) DOMINGUEZ CANYON WILDERNESS STUDY AREA.—Subtitle E of title II of Public Law 111–11 is amended—

(1) by redesignating section 2408 (16 U.S.C. 460zzz–7) as section 2409; and

(2) by inserting after section 2407 (16 U.S.C. 460zzz–6) the following:

''SEC. 2408. RELEASE.

''(a) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Dominguez Canyon Wilderness Study Area not designated as wilderness by this subtitle have been adequately studied for wilderness designation.

''(b) RELEASE.—Any public land referred to in subsection (a) that is not designated as wilderness by this subtitle—

''(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

''(2) shall be managed in accordance with this subtitle and any other applicable laws.''.

(b) MCKENNA PEAK WILDERNESS STUDY AREA.—

(1) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the McKenna Peak Wilderness Study Area in San Miguel County in the State not designated as wilderness by paragraph (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 5202) have been adequately studied for wilderness designation.

(2) RELEASE.—Any public land referred to in paragraph (1) that is not designated as wilderness by paragraph (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 5202)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable laws.

SEC. 5205. ADMINISTRATIVE PROVISIONS.

(a) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction or responsibility of the State with respect to fish and wildlife in the State.

(b) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this title establishes a protective perimeter or buffer zone around covered land.

(2) ACTIVITIES OUTSIDE WILDERNESS.—The fact that a nonwilderness activity or use on land outside of the covered land can be seen or heard from within covered land shall not preclude the activity or use outside the boundary of the covered land.

(c) TRIBAL RIGHTS AND USES.—

(1) TREATY RIGHTS.—Nothing in this title affects the treaty rights of any Indian Tribe, including rights under the Agreement of September 13, 1873, ratified by the Act of April 29, 1874 (18 Stat. 36, chapter 136).

(2) TRADITIONAL TRIBAL USES.—Subject to any terms and conditions as the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the covered land by members of Indian Tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other materials.

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary or the Secretary of the Interior, as appropriate, shall file a map and a legal description of each wilderness area designated by paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 5202) and the Special Management Areas with—

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

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

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary or the Secretary of the Interior, as appropriate, may correct any typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the Forest Service.

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary or the Secretary of the Interior, as appropriate, may acquire any land or interest in land within the boundaries of a Special Management Area or the wilderness designated under paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 5202) by donation, purchase from a willing seller, or exchange.

(2) MANAGEMENT.—Any land or interest in land acquired under paragraph (1) shall be incorporated into, and administered as a part of, the wilderness or Special Management Area in which the land or interest in land is located.

(f) GRAZING.—The grazing of livestock on covered land, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered to be necessary by the Secretary with jurisdiction over the covered land, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the applicable 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) or H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(g) FIRE, INSECTS, AND DISEASES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary with jurisdiction over a wilderness area designated by paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 5202) may carry out any activity in the wilderness area that the Secretary determines to be necessary for the control of fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

(h) WITHDRAWAL.—Subject to valid existing rights, the covered land and the approximately 6,590 acres generally depicted on the map entitled ''Proposed Naturita Canyon Mineral Withdrawal Area'' and dated September 6, 2018, is withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under mining laws; and

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

TITLE LIII—THOMPSON DIVIDE

SEC. 5301. PURPOSES.

The purposes of this title are—

(1) subject to valid existing rights, to withdraw certain Federal land in the Thompson Divide area from mineral and other disposal laws in order to protect the agricultural, ranching, wildlife, air quality, recreation, ecological, and scenic values of the area; and

(2) to promote the capture of fugitive methane emissions that would otherwise be emitted into the atmosphere.

SEC. 5302. DEFINITIONS.

In this title:

(1) FUGITIVE METHANE EMISSIONS.—The term ''fugitive methane emissions'' means methane gas from the Federal land or interests in Federal land in Garfield, Gunnison, Delta, or Pitkin County in the State, within the boundaries of the ''Fugitive Coal Mine Methane Use Pilot Program Area'', as generally depicted on the pilot program map, that would leak or be vented into the atmosphere from—

(A) an active or inactive coal mine subject to a Federal coal lease; or

(B) an abandoned underground coal mine or the site of a former coal mine—

(i) that is not subject to a Federal coal lease; and

(ii) with respect to which the Federal interest in land includes mineral rights to the methane gas.

(2) PILOT PROGRAM.—The term ''pilot program'' means the Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program established by section 5305(a)(1).

(3) PILOT PROGRAM MAP.—The term ''pilot program map'' means the map entitled ''Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program Area'' and dated April 29, 2022.

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

(5) THOMPSON DIVIDE LEASE.—

(A) IN GENERAL.—The term ''Thompson Divide lease'' means any oil or gas lease in effect on the date of enactment of this Act within the Thompson Divide Withdrawal and Protection Area.

(B) EXCLUSIONS.—The term ''Thompson Divide lease'' does not include any oil or gas lease that—

(i) is associated with a Wolf Creek Storage Field development right; or

(ii) before the date of enactment of this Act, has expired, been cancelled, or otherwise terminated.

(6) THOMPSON DIVIDE MAP.—The term ''Thompson Divide map'' means the map entitled ''Greater Thompson Divide Area Map'' and dated November 5, 2021.

(7) THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA.—The term ''Thompson Divide Withdrawal and Protection Area'' means the Federal land and minerals within the area generally depicted as the ''Thompson Divide Withdrawal and Protection Area'' on the Thompson Divide map.

(8) WOLF CREEK STORAGE FIELD DEVELOPMENT RIGHT.—

(A) IN GENERAL.—The term ''Wolf Creek Storage Field development right'' means a development right for any of the Federal mineral leases numbered COC 0007496, COC 0007497, COC 0007498, COC 0007499, COC 0007500, COC 0007538, COC 0008128, COC 0015373, COC 0128018, COC 0051645, and COC 0051646, as generally depicted on the Thompson Divide map as ''Wolf Creek Storage Agreement''.

(B) EXCLUSIONS.—The term ''Wolf Creek Storage Field development right'' does not include any storage right or related activity within the area described in subparagraph (A).

SEC. 5303. THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA.

(a) WITHDRAWAL.—Subject to valid existing rights, the Thompson Divide Withdrawal and Protection Area is withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

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

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

(b) SURVEYS.—The exact acreage and legal description of the Thompson Divide Withdrawal and Protection Area shall be determined by surveys approved by the Secretary, in consultation with the Secretary of Agriculture.

(c) GRAZING.—Nothing in this title affects the administration of grazing in the Thompson Divide Withdrawal and Protection Area.

SEC. 5304. THOMPSON DIVIDE LEASE CREDITS.

(a) IN GENERAL.—In exchange for the relinquishment by a leaseholder of all Thompson Divide leases of the leaseholder, the Secretary may issue to the leaseholder credits for any bid, royalty, or rental payment due under any Federal oil or gas lease on Federal land in the State, in accordance with subsection (b).

(b) AMOUNT OF CREDITS.—

(1) IN GENERAL.—Subject to paragraph (2), the amount of the credits issued to a leaseholder of a Thompson Divide lease relinquished under subsection (a) shall—

(A) be equal to the sum of—

(i) the amount of the bonus bids paid for the applicable Thompson Divide leases;

(ii) the amount of any rental paid for the applicable Thompson Divide leases as of the date on which the leaseholder submits to the Secretary a notice of the decision to relinquish the applicable Thompson Divide leases; and

(iii) the amount of any reasonable expenses incurred by the leaseholder of the applicable Thompson Divide leases in the preparation of any drilling permit, sundry notice, or other related submission in support of the development of the applicable Thompson Divide leases as of January 28, 2019, including any expenses relating to the preparation of any analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) require the approval of the Secretary.

(2) EXCLUSION.—The amount of a credit issued under subsection (a) shall not include any expenses paid by the leaseholder of a Thompson Divide lease for—

(A) legal fees or related expenses for legal work with respect to a Thompson Divide lease; or

(B) any expenses incurred before the issuance of a Thompson Divide lease.

(c) CANCELLATION.—Effective on relinquishment under this section, and without any additional action by the Secretary, a Thompson Divide lease—

(1) shall be permanently cancelled; and

(2) shall not be reissued.

(d) CONDITIONS.—

(1) APPLICABLE LAW.—Except as otherwise provided in this section, each exchange under this section shall be conducted in accordance with—

(A) this title; and

(B) other applicable laws (including regulations).

(2) ACCEPTANCE OF CREDITS.—The Secretary shall accept credits issued under subsection (a) in the same manner as cash for the payments described in that subsection.

(3) APPLICABILITY.—The use of a credit issued under subsection (a) shall be subject to the laws (including regulations) applicable to the payments described in that subsection, to the extent that the laws are consistent with this section.

(4) TREATMENT OF CREDITS.—All amounts in the form of credits issued under subsection (a) accepted by the Secretary shall be considered to be amounts received for the purposes of—

(A) section 35 of the Mineral Leasing Act (30 U.S.C. 191); and

(B) section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019).

(e) WOLF CREEK STORAGE FIELD DEVELOPMENT RIGHTS.—

(1) CONVEYANCE TO SECRETARY.—As a condition precedent to the relinquishment of a Thompson Divide lease under this section, any leaseholder with a Wolf Creek Storage Field development right shall permanently relinquish, transfer, and otherwise convey to the Secretary, in a form acceptable to the Secretary, all Wolf Creek Storage Field development rights of the leaseholder.

(2) CREDITS.—

(A) IN GENERAL.—In consideration for the transfer of development rights under paragraph (1), the Secretary may issue to a leaseholder described in that paragraph credits for any reasonable expenses incurred by the leaseholder in acquiring the Wolf Creek Storage Field development right or in the preparation of any drilling permit, sundry notice, or other related submission in support of the development right as of January 28, 2019, including any reasonable expenses relating to the preparation of any analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) APPROVAL.—Any credits for a transfer of the development rights under paragraph (1), shall be subject to—

(i) the exclusion described in subsection (b)(2);

(ii) the conditions described in subsection (d); and

(iii) the approval of the Secretary.

(3) LIMITATION OF TRANSFER.—Development rights acquired by the Secretary under paragraph (1)—

(A) shall be held for as long as the parent leases in the Wolf Creek Storage Field remain in effect; and

(B) shall not be—

(i) transferred;

(ii) reissued; or

(iii) otherwise used for mineral extraction.

SEC. 5305. GREATER THOMPSON DIVIDE FUGITIVE COAL MINE METHANE USE PILOT PROGRAM.

(a) FUGITIVE COAL MINE METHANE USE PILOT PROGRAM.—

(1) ESTABLISHMENT.—There is established in the Bureau of Land Management a pilot program, to be known as the ''Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program''.

(2) PURPOSE.—The purpose of the pilot program is to promote the capture, beneficial use, mitigation, and sequestration of fugitive methane emissions—

(A) to reduce methane emissions;

(B) to promote economic development;

(C) to improve air quality; and

(D) to improve public safety.

(3) PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan—

(i) to complete an inventory of fugitive methane emissions in accordance with subsection (b);

(ii) to provide for the leasing of fugitive methane emissions in accordance with subsection (c); and

(iii) to provide for the capping or destruction of fugitive methane emissions in accordance with subsection (d).

(B) COORDINATION.—In developing the plan under this paragraph, the Secretary shall coordinate with—

(i) the State;

(ii) Garfield, Gunnison, Delta, and Pitkin Counties in the State;

(iii) lessees of Federal coal within the counties referred to in clause (ii);

(iv) interested institutions of higher education in the State; and

(v) interested members of the public.

(b) FUGITIVE METHANE EMISSIONS INVENTORY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete an inventory of fugitive methane emissions.

(2) CONDUCT.—

(A) COLLABORATION.—The Secretary may conduct the inventory under paragraph (1) through, or in collaboration with—

(i) the Bureau of Land Management;

(ii) the United States Geological Survey;

(iii) the Environmental Protection Agency;

(iv) the United States Forest Service;

(v) State departments or agencies;

(vi) Garfield, Gunnison, Delta, or Pitkin County in the State;

(vii) the Garfield County Federal Mineral Lease District;

(viii) institutions of higher education in the State;

(ix) lessees of Federal coal within a county referred to in subparagraph (F);

(x) the National Oceanic and Atmospheric Administration;

(xi) the National Center for Atmospheric Research; or

(xii) other interested entities, including members of the public.

(B) FEDERAL SPLIT ESTATE.—

(i) IN GENERAL.—In conducting the inventory under paragraph (1) for Federal minerals on split estate land, the Secretary shall rely on available data.

(ii) LIMITATION.—Nothing in this section requires or authorizes the Secretary to enter or access private land to conduct the inventory under paragraph (1).

(3) CONTENTS.—The inventory conducted under paragraph (1) shall include—

(A) the general location and geographic coordinates of vents, seeps, or other sources producing significant fugitive methane emissions;

(B) an estimate of the volume and concentration of fugitive methane emissions from each source of significant fugitive methane emissions, including details of measurements taken and the basis for that emissions estimate;

(C) relevant data and other information available from—

(i) the Environmental Protection Agency;

(ii) the Mine Safety and Health Administration;

(iii) the Colorado Department of Natural Resources;

(iv) the Colorado Public Utility Commission;

(v) the Colorado Department of Health and Environment; and

(vi) the Office of Surface Mining Reclamation and Enforcement; and

(D) such other information as may be useful in advancing the purposes of the pilot program.

(4) PUBLIC PARTICIPATION; DISCLOSURE.—

(A) PUBLIC PARTICIPATION.—The Secretary shall, as appropriate, provide opportunities for public participation in the conduct of the inventory under paragraph (1).

(B) AVAILABILITY.—The Secretary shall make the inventory conducted under paragraph (1) publicly available.

(C) DISCLOSURE.—Nothing in this subsection requires the Secretary to publicly release information that—

(i) poses a threat to public safety;

(ii) is confidential business information; or

(iii) is otherwise protected from public disclosure.

(5) IMPACT ON COAL MINES SUBJECT TO LEASE.—

(A) IN GENERAL.—For the purposes of conducting the inventory under paragraph (1), for land subject to a Federal coal lease, the Secretary shall use readily available methane emissions data.

(B) EFFECT.—Nothing in this section requires the holder of a Federal coal lease to report additional data or information to the Secretary.

(6) USE.—The Secretary shall use the inventory conducted under paragraph (1) in carrying out—

(A) the leasing program under subsection (c); and

(B) the capping or destruction of fugitive methane emissions under subsection (d).

(c) FUGITIVE METHANE EMISSIONS LEASING PROGRAM AND SEQUESTRATION.—

(1) IN GENERAL.—Subject to valid existing rights and in accordance with this section, not later than 1 year after the date of completion of the inventory required under subsection (b), the Secretary shall carry out a program to encourage the use and destruction of fugitive methane emissions.

(2) FUGITIVE METHANE EMISSIONS FROM COAL MINES SUBJECT TO LEASE.—

(A) IN GENERAL.—The Secretary shall authorize the holder of a valid existing Federal coal lease for a mine that is producing fugitive methane emissions to capture for use or destroy the fugitive methane emissions.

(B) CONDITIONS.—The authority under subparagraph (A) shall be subject to—

(i) valid existing rights; and

(ii) such terms and conditions as the Secretary may require.

(C) LIMITATIONS.—The program carried out under paragraph (1) shall only include fugitive methane emissions that can be captured for use or destroyed in a manner that does not—

(i) endanger the safety of any coal mine worker; or

(ii) unreasonably interfere with any ongoing operation at a coal mine.

(D) COOPERATION.—

(i) IN GENERAL.—The Secretary shall work cooperatively with the holders of valid existing Federal coal leases for mines that produce fugitive methane emissions to encourage—

(I) the capture of fugitive methane emissions for beneficial use, such as generating electrical power, producing usable heat, transporting the methane to market, or transforming the fugitive methane emissions into a different marketable material; or

(II) if the beneficial use of the fugitive methane emissions is not feasible, the destruction of the fugitive methane emissions.

(ii) GUIDANCE.—In support of cooperative efforts with holders of valid existing Federal coal leases to capture for use or destroy fugitive methane emissions, not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance to the public for the implementation of authorities and programs to encourage the capture for use and destruction of fugitive methane emissions, while minimizing impacts on natural resources or other public interest values.

(E) ROYALTIES.—The Secretary shall determine whether any fugitive methane emissions used or destroyed pursuant to this paragraph are subject to the payment of a royalty under applicable law.

(3) FUGITIVE METHANE EMISSIONS FROM LAND NOT SUBJECT TO A FEDERAL COAL LEASE.—

(A) IN GENERAL.—Except as otherwise provided in this section, notwithstanding section 5303 and subject to valid existing rights and any other applicable law, the Secretary shall, for land not subject to a Federal coal lease—

(i) authorize the capture for use or destruction of fugitive methane emissions; and

(ii) make available for leasing such fugitive methane emissions as the Secretary determines to be in the public interest.

(B) SOURCE.—To the extent practicable, the Secretary shall offer for lease, individually or in combination, each significant source of fugitive methane emissions on land not subject to a Federal coal lease.

(C) BID QUALIFICATIONS.—A bid to lease fugitive methane emissions under this paragraph shall specify whether the prospective lessee intends—

(i) to capture the fugitive methane emissions for beneficial use, such as generating electrical power, producing usable heat, transporting the methane to market, or transforming the fugitive methane emissions into a different marketable material;

(ii) to destroy the fugitive methane emissions; or

(iii) to employ a specific combination of—

(I) capturing the fugitive methane emissions for beneficial use; and

(II) destroying the fugitive methane emissions.

(D) PRIORITY.—

(i) IN GENERAL.—If there is more than 1 qualified bid for a lease under this paragraph, the Secretary shall select the bid that the Secretary determines is likely to most significantly advance the public interest.

(ii) CONSIDERATIONS.—In determining the public interest under clause (i), the Secretary shall take into consideration—

(I) the overall decrease in the fugitive methane emissions;

(II) the impacts to other natural resource values, including wildlife, water, and air; and

(III) other public interest values, including scenic, economic, recreation, and cultural values.

(E) LEASE FORM.—

(i) IN GENERAL.—The Secretary shall develop and provide to prospective bidders a lease form for leases issued under this paragraph.

(ii) DUE DILIGENCE.—The lease form developed under clause (i) shall include terms and conditions requiring the leased fugitive methane emissions to be put to beneficial use or destroyed by not later than 3 years after the date of issuance of the lease.

(F) ROYALTY RATE.—The Secretary shall develop a minimum bid, as the Secretary determines to be necessary, and royalty rate for leases under this paragraph.

(d) SEQUESTRATION.—If, by not later than 4 years after the date of completion of the inventory under subsection (b), any significant fugitive methane emissions are not leased under subsection (c)(3), the Secretary shall, subject to the availability of appropriations and in accordance with applicable law, take all reasonable measures—

(1) to provide incentives for new leases under subsection (c)(3);

(2) to cap those fugitive methane emissions at the source in any case in which the cap will result in the long-term sequestration of all or a significant portion of the fugitive methane emissions; or

(3) to destroy the fugitive methane emissions, if incentivizing leases under paragraph (1) or sequestration under paragraph (2) is not feasible, with priority for locations that destroy the greatest quantity of fugitive methane emissions at the lowest cost.

(e) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this Act 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 detailing—

(1) the economic and environmental impacts of the pilot program, including information on increased royalties and estimates of avoided greenhouse gas emissions; and

(2) any recommendations of the Secretary on whether the pilot program could be expanded to include—

(A) other significant sources of emissions of fugitive methane located outside the boundaries of the area depicted as ''Fugitive Coal Mine Methane Use Pilot Program Area'' on the pilot program map; and

(B) the leasing of natural methane seeps under the activities authorized pursuant to subsection (c)(3).

SEC. 5306. EFFECT.

Except as expressly provided in this title, nothing in this title—

(1) expands, diminishes, or impairs any valid existing mineral leases, mineral interest, or other property rights wholly or partially within the Thompson Divide Withdrawal and Protection Area, including access to the leases, interests, rights, or land in accordance with applicable Federal, State, and local laws (including regulations);

(2) prevents the capture of methane from any active, inactive, or abandoned coal mine covered by this title, in accordance with applicable laws; or

(3) prevents access to, or the development of, any new or existing coal mine or lease in Delta or Gunnison County in the State.

TITLE LIV—CURECANTI NATIONAL RECREATION AREA

SEC. 5401. DEFINITIONS.

In this title:

(1) MAP.—The term ''map'' means the map entitled ''Curecanti National Recreation Area, Proposed Boundary'', numbered 616/100,485D, and dated April 25, 2022 .

(2) NATIONAL RECREATION AREA.—The term ''National Recreation Area'' means the Curecanti National Recreation Area established by section 5402(a).

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

SEC. 5402. CURECANTI NATIONAL RECREATION AREA.

(a) ESTABLISHMENT.—Effective beginning on the earlier of the date on which the Secretary approves a request under subsection (c)(2)(B)(i)(I) and the date that is 1 year after the date of enactment of this Act, there shall be established as a unit of the National Park System the Curecanti National Recreation Area, in accordance with this division, consisting of approximately 50,300 acres of land

in the State, as generally depicted on the map as ''Curecanti National Recreation Area Proposed Boundary''.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the National Recreation Area in accordance with—

(A) this title; and

(B) the laws (including regulations) 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.

(2) DAM, POWER PLANT, AND RESERVOIR MANAGEMENT AND OPERATIONS.—

(A) IN GENERAL.—Nothing in this title affects or interferes with the authority of the Secretary—

(i) to operate the Uncompahgre Valley Reclamation Project under the reclamation laws;

(ii) to operate the Wayne N. Aspinall Unit of the Colorado River Storage Project under the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.); or

(iii) under the Federal Water Project Recreation Act (16 U.S.C. 4601–12 et seq.).

(B) RECLAMATION LAND.—

(i) SUBMISSION OF REQUEST TO RETAIN ADMINISTRATIVE JURISDICTION.—If, before the date that is 1 year after the date of enactment of this Act, the Commissioner of Reclamation submits to the Secretary a request for the Commissioner of Reclamation to retain administrative jurisdiction over the minimum quantity of land within the land identified on the map as ''Lands withdrawn or acquired for Bureau of Reclamation projects'' that the Commissioner of Reclamation identifies as necessary for the effective operation of Bureau of Reclamation water facilities, the Secretary may—

(I) approve, approve with modifications, or disapprove the request; and

(II) if the request is approved under subclause (I), make any modifications to the map that are necessary to reflect that the Commissioner of Reclamation retains management authority over the minimum quantity of land required to fulfill the reclamation mission.

(ii) TRANSFER OF LAND.—

(I) IN GENERAL.—Administrative jurisdiction over the land identified on the map as ''Lands withdrawn or acquired for Bureau of Reclamation projects'', as modified pursuant to clause (i)(II), if applicable, shall be transferred from the Commissioner of Reclamation to the Director of the National Park Service by not later than the date that is 1 year after the date of enactment of this Act.

(II) ACCESS TO TRANSFERRED LAND.—

(aa) IN GENERAL.—Subject to item (bb), the Commissioner of Reclamation shall retain access to the land transferred to the Director of the National Park Service under subclause (I) for reclamation purposes, including for the operation, maintenance, and expansion or replacement of facilities.

(bb) MEMORANDUM OF UNDERSTANDING.—The terms of the access authorized under item (aa) shall be determined by a memorandum of understanding entered into between the Commissioner of Reclamation and the Director of the National Park Service not later than 1 year after the date of enactment of this Act.

(3) MANAGEMENT AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into management agreements, or modify management agreements in existence on the date of enactment of this Act, relating to the authority of the Director of the National Park Service, the Commissioner of Reclamation, the Director of the Bureau of Land Management, or the Chief of the Forest Service to manage Federal land within or adjacent to the boundary of the National Recreation Area.

(B) STATE LAND.—The Secretary may enter into cooperative management agreements for any land administered by the State that is within or adjacent to the National Recreation Area, in accordance with the cooperative management authority under section 101703 of title 54, United States Code.

(4) RECREATIONAL ACTIVITIES.—

(A) AUTHORIZATION.—Except as provided in subparagraph (B), the Secretary shall allow boating, boating-related activities, hunting, and fishing in the National Recreation Area in accordance with applicable Federal and State laws.

(B) CLOSURES; DESIGNATED ZONES.—

(i) IN GENERAL.—The Secretary, acting through the Superintendent of the National Recreation Area, may designate zones in which, and establish periods during which, no boating, hunting, or fishing shall be permitted in the National Recreation Area under subparagraph (A) for reasons of public safety, administration, or compliance with applicable laws.

(ii) CONSULTATION REQUIRED.—Except in the case of an emergency, any closure proposed by the Secretary under clause (i) shall not take effect until after the date on which the Superintendent of the National Recreation Area consults with—

(I) the appropriate State agency responsible for hunting and fishing activities; and

(II) the Board of County Commissioners in each county in which the zone is proposed to be designated.

(5) LANDOWNER ASSISTANCE.—On the written request of an individual that owns private land located within the area generally depicted as ''Conservation Opportunity Area'' on the map entitled ''Preferred Alternative'' in the document entitled ''Report to Congress: Curecanti Special Resource Study'' and dated June 2009, the Secretary may work in partnership with the individual to enhance the long-term conservation of natural, cultural, recreational, and scenic resources in and around the National Recreation Area—

(A) by acquiring all or a portion of the private land or interests in private land within the Conservation Opportunity Area by purchase, exchange, or donation, in accordance with section 5403;

(B) by providing technical assistance to the individual, including cooperative assistance;

(C) through available grant programs; and

(D) by supporting conservation easement opportunities.

(6) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land acquired by the United States under paragraph (5) shall—

(A) become part of the National Recreation Area; and

(B) be managed in accordance with this title.

(7) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the National Recreation Area, including land acquired pursuant to this section, is withdrawn from—

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

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

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

(8) GRAZING.—

(A) STATE LAND SUBJECT TO A STATE GRAZING LEASE.—

(i) IN GENERAL.—If State land acquired under this title is subject to a State grazing lease in effect on the date of acquisition, the Secretary shall allow the grazing to continue for the remainder of the term of the lease, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(ii) ACCESS.—A lessee of State land may continue to use established routes within the National Recreation Area to access State land for purposes of administering the lease if the use was permitted before the date of enactment of this Act, subject to such terms and conditions as the Secretary may require.

(B) STATE AND PRIVATE LAND.—The Secretary may, in accordance with applicable laws, authorize grazing on land acquired from the State or private landowners under section 5403, if grazing was established before the date of acquisition.

(C) PRIVATE LAND.—On private land acquired under section 5403 for the National Recreation Area on which authorized grazing is occurring before the date of enactment of this Act, the Secretary, in consultation with the lessee, may allow the continuation and renewal of grazing on the land based on the terms of acquisition or by agreement between the Secretary and the lessee, subject to applicable law (including regulations).

(D) FEDERAL LAND.—The Secretary shall—

(i) allow, consistent with the grazing leases, uses, and practices in effect as of the date of enactment of this Act, the continuation and renewal of grazing on Federal land located within the boundary of the National Recreation Area on which grazing is allowed before the date of enactment of this Act, unless the Secretary determines that grazing on the Federal land would present unacceptable impacts (as defined in section 1.4.7.1 of the National Park Service document entitled ''Management Policies 2006: The Guide to Managing the National Park System'') to the natural, cultural, recreational, and scenic resource values and the character of the land within the National Recreation Area; and

(ii) retain all authorities to manage grazing in the National Recreation Area.

(E) TERMINATION OF LEASES.—Within the National Recreation Area, the Secretary may—

(i) accept the voluntary termination of a lease or permit for grazing; or

(ii) in the case of a lease or permit vacated for a period of 3 or more years, terminate the lease or permit.

(9) WATER RIGHTS.—Nothing in this title—

(A) affects any use or allocation in existence on the date of enactment of this Act of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) shall be considered to be a relinquishment or reduction of any water right reserved or appropriated by the United States in the State on or before the date of enactment of this Act; or

(E) constitutes an express or implied Federal reservation of any water or water rights with respect to the National Recreation Area.

(10) FISHING EASEMENTS.—

(A) IN GENERAL.—Nothing in this title diminishes or alters the fish and wildlife program for the Aspinall Unit developed under section 8 of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (70 Stat. 110, chapter 203;

43 U.S.C. 620g), by the United States Fish and Wildlife Service, the Bureau of Reclamation, and the Colorado Division of Wildlife (including any successor in interest to that division) that provides for the acquisition of public access fishing easements as mitigation for the Aspinall Unit (referred to in this paragraph as the ''program'').

(B) ACQUISITION OF FISHING EASEMENTS.—The Secretary shall continue to fulfill the obligation of the Secretary under the program to acquire 26 miles of class 1 public fishing easements to provide to sportsmen access for fishing within the Upper Gunnison Basin upstream of the Aspinall Unit, subject to the condition that no existing fishing access downstream of the Aspinall Unit shall be counted toward the minimum mileage requirement under the program.

(C) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for fulfilling the obligation of the Secretary described in subparagraph (B) by the date that is 10 years after the date of enactment of this Act.

(D) REPORTS.—Not later than each of 2 years, 5 years, and 8 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress made in fulfilling the obligation of the Secretary described in subparagraph (B).

(d) TRIBAL RIGHTS AND USES.—

(1) TREATY RIGHTS.—Nothing in this title affects the treaty rights of any Indian Tribe.

(2) TRADITIONAL TRIBAL USES.—Subject to any terms and conditions as the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the National Recreation Area by members of Indian Tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other materials.

SEC. 5403. ACQUISITION OF LAND; BOUNDARY MANAGEMENT.

(a) ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire any land or interest in land within the boundary of the National Recreation Area.

(2) MANNER OF ACQUISITION.—

(A) IN GENERAL.—Subject to subparagraph (B), land described in paragraph (1) may be acquired under this subsection by—

(i) donation;

(ii) purchase from willing sellers with donated or appropriated funds;

(iii) transfer from another Federal agency; or

(iv) exchange.

(B) STATE LAND.—Land or interests in land owned by the State or a political subdivision of the State may only be acquired by purchase, donation, or exchange.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) FOREST SERVICE LAND.—

(A) IN GENERAL.—Administrative jurisdiction over the approximately 2,500 acres of land identified on the map as ''U.S. Forest Service proposed transfer to the National Park Service'' is transferred to the Secretary, to be administered by the Director of the National Park Service as part of the National Recreation Area.

(B) BOUNDARY ADJUSTMENT.—The boundary of the Gunnison National Forest shall be adjusted to exclude the land transferred to the Secretary under subparagraph (A).

(2) BUREAU OF LAND MANAGEMENT LAND.—Administrative jurisdiction over the approximately 6,100 acres of land identified on the map as ''Bureau of Land Management proposed transfer to National Park Service'' is transferred from the Director of the Bureau of Land Management to the Director of the National Park Service, to be administered as part of the National Recreation Area.

(3) WITHDRAWAL.—Administrative jurisdiction over the land identified on the map as ''Proposed for transfer to the Bureau of Land Management, subject to the revocation of Bureau of Reclamation withdrawal'' shall be transferred to the Director of the Bureau of Land Management on relinquishment of the land by the Bureau of Reclamation and revocation by the Bureau of Land Management of any withdrawal as may be necessary.

(c) POTENTIAL LAND EXCHANGE.—

(1) IN GENERAL.—The withdrawal for reclamation purposes of the land identified on the map as ''Potential exchange lands'' shall be relinquished by the Commissioner of Reclamation and revoked by the Director of the Bureau of Land Management and the land shall be transferred to the National Park Service.

(2) EXCHANGE; INCLUSION IN NATIONAL RECREATION AREA.—On transfer of the land described in paragraph (1), the transferred land—

(A) may be exchanged by the Secretary for private land described in section 5402(c)(5)—

(i) subject to a conservation easement remaining on the transferred land, to protect the scenic resources of the transferred land; and

(ii) in accordance with the laws (including regulations) and policies governing National Park Service land exchanges; and

(B) if not exchanged under subparagraph (A), shall be added to, and managed as a part of, the National Recreation Area.

(d) ADDITION TO NATIONAL RECREATION AREA.—Any land within the boundary of the National Recreation Area that is acquired by the United States shall be added to, and managed as a part of, the National Recreation Area.

SEC. 5404. GENERAL MANAGEMENT PLAN.

Not later than 3 years after the date on which funds are made available to carry out this title, the Director of the National Park Service, in consultation with the Commissioner of Reclamation, shall prepare a general management plan for the National Recreation Area in accordance with section 100502 of title 54, United States Code.

SEC. 5405. BOUNDARY SURVEY.

The Secretary (acting through the Director of the National Park Service) shall prepare a boundary survey and legal description of the National Recreation Area.

SA 6353. 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 XV, add the following:

SEC. 1509. NATIONAL SECURITY SPACE LAUNCH PROGRAM.

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

(1) the acquisition approach for phase three of the National Security Space Launch program should account for changes in the launch industry and planned architectures of the Space Force;

(2) the supply of launches for phase three may be impacted by increases in commercial space launch demand;

(3) the Secretary of the Air Force should explore new and innovative acquisition approaches to leverage launch competition within the commercial market; and

(4) in developing the acquisition strategy for phase three, the Secretary should—

(A) consider the scope of phase three manifest requirements in comparison to the Orbital Services Program and other potential contract vehicles for launches;

(B) ensure the continued assured access to space;

(C) emphasize free, fair, and open competition;

(D) capitalize on competition across the commercial launch industry;

(E) examine all possible options for awarding contracts for launches during the period covered by the phase, including, block-buys, indefinite delivery, indefinite quantity, and a hybrid approach;

(F) consider tailorable mission assurance options informed by previous launch vehicle performance metrics;

(G) include options for adding launch providers, launch systems, or both, during the execution of phase three to address manifest changes beyond the planned national security space unique launches at the time of initial award;

(H) maintain understanding of the commercial launch industry and launch capacity needed to fulfill the requirements of the National Security Space Launch program; and

(I) allow for rapid development and on-orbit deployment of enabling and transformational technologies required to address emerging requirements, including with respect to—

(i) delivery of in-space transportation, logistics, and on-orbit servicing capabilities to enhance the persistence, sensitivity, and resiliency of national security space missions in a contested space environment;

(ii) proliferated low-Earth orbit constellation deployment;

(iii) routine access to extended orbits beyond geostationary orbits, including cislunar orbits;

(iv) payload fairings that exceed current launch requirements;

(v) increased responsiveness for heavy lift capability;

(vi) the ability to transfer orbits, including point-to-point orbital transfers;

(vii) capacity and capability to execute secondary deployments;

(viii) high-performance upper stages;

(ix) vertical integration; and

(x) other new missions that are outside the parameters of the nine design reference missions that exist as of the date of the enactment of this Act.

(b) QUARTERLY BRIEFINGS.—On a quarterly basis until the date on which the Secretary of the Air Force awards a phase three contract, the Commander of the Space Systems Command shall provide to the appropriate congressional committees a briefing on the development of the phase three acquisition strategy, including how the matters described subsection (a) are being considered in such strategy.

(c) NOTIFICATION OF RESULTS OF MISSION ASSIGNMENT BOARD.—Not later than 14 days after the date on which a phase two mission assignment board is completed, the Commander of the Space Systems Command shall notify the appropriate congressional committees of the launch assignment results of the board.

(d) DEFINITIONS.—In this section:

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

(A) the congressional defense committees with respect to all briefings provided under

subsection (b) and notifications made under subsection (c); and

(B) in addition to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to—

(i) briefings required under subsection (b) regarding requirements of the intelligence community being incorporated into phase three planning; and

(ii) notifications made under subsection (c) regarding an assignment that includes capabilities being launched for the intelligence community.

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

(3) PHASE THREE.—The term ''phase three'' means, with respect to the National Security Space Launch program, launch missions ordered under the program after fiscal year 2024.

(4) PHASE TWO.—The term ''phase two'' means, with respect to the National Security Space Launch program, launch missions ordered under the program during fiscal years 2020 through 2024.

SA 6354. Mr. KING (for himself, Mr. SASSE, Ms. HASSAN, and 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 in subtitle G of title X, insert the following:

SEC. 10___. INFORMATION COLLABORATION ENVIRONMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COUNCIL.—The term ''Council'' means the Cyber Threat Data Collaboration Council established under subsection (d)(1).

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

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

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

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

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

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

(8) NATIONAL INTELLIGENCE PROGRAM.—The term ''National Intelligence Program'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

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

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

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

(12) SECTOR RISK MANAGEMENT AGENCY.—The term ''Sector Risk Management Agency'' has the meaning given such term in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651).

(13) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(b) INFORMATION COLLABORATION ENVIRONMENT.—In accordance with the requirements established by the Council under subsection (d), the Secretary, in coordination with the Secretary of Defense, acting through the Director of the National Security Agency (in the capacity of the Director as the National Manager for National Security Systems), shall ensure the development or establishment of an information collaboration environment, using existing programs and systems where available, through which relevant Federal entities and non-Federal entities may share information and collaborate to identify, mitigate, and prevent malicious cyber activity by—

(1) providing access to appropriate and operationally relevant data from unclassified and classified sources on cybersecurity threats, including malware forensics and data from network sensor programs, on a platform that enables query and analysis;

(2) enabling analysis of data on cybersecurity threats at the speed and scale necessary for rapid detection and identification of such threats, including through automated means where appropriate;

(3) facilitating a comprehensive understanding of cybersecurity threats; and

(4) facilitating collaborative analysis between the Federal Government and public and private sector critical infrastructure entities and information sharing and analysis organizations, including by providing such entities and organizations access to the environment.

(c) IMPLEMENTATION OF ENVIRONMENT.—

(1) INVENTORY AND EVALUATION.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Defense, acting through the Director of the National Security Agency, shall conduct an inventory and evaluation of Federal programs and capabilities and submit to the Council a report that shall—

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

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

(iii) identify tools, capabilities, and systems that may be adapted to achieve the purposes of the environment in order to achieve a return on investment that is commensurate with the cost;

(iv) identify and evaluate interagency or public-private programs that may be adapted for, incorporated into, or accounted for in the design and implementation of the environment; and

(v) include a classified annex the contents of which shall be determined by the Director of the National Security Agency in coordination with the heads of Federal entities that own, operate, or control relevant national security systems, in accordance with paragraph (4).

(B) CONSULTATION.—In conducting the inventory and evaluation required under subparagraph (A), the Secretary, shall consult with—

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

(ii) the owners of Federal systems identified as part of the inventory.

(2) IMPLEMENTATION PLAN.—Not later than 180 days after the date on which the Secretary completes the inventory and evaluation under paragraph (1), the Secretary, in coordination with the Secretary of Defense, acting through the Director of the National Security Agency, shall submit to the Council for approval an implementation plan for the environment that—

(A) meets the requirements described in paragraph (3)(B);

(B) outlines roles and responsibilities of the Cybersecurity and Infrastructure Security Agency, the National Security Agency, and participating departments and agencies in the design, development, and operation of the environment;

(C) identifies programs to be included in the environment and their use and incorporation in the environment;

(D) describes application and design of access control mechanisms to ensure control of data by the applicable departments and agencies and the protection of privacy and classified or law enforcement sensitive information;

(E) identifies timelines for implementation;

(F) provides estimated costs for initial implementation and yearly operations and maintenance;

(G) provides estimated costs for participating departments and agencies in the maintenance or modernization of relevant programs and systems;

(H) establishes plans of action and milestones associated with achieving initial operating capability and full operating capability of the environment;

(I) identifies, assesses, and provides recommendations to address legal, policy, procedural, or budgetary challenges to implementation; and

(J) includes a classified annex that addresses any design or implementation issues related to the protection of intelligence sources and methods, and classified information and systems, as applicable and determined by the Director of the National Security Agency, in coordination with the heads of relevant Federal entities, in accordance with paragraph (4).

(3) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and after the Council approves the implementation plan required under paragraph (2), the Secretary, in coordination with the Secretary of Defense, acting through the Director of the National Security Agency, shall ensure initial operation capability of the environment and the ability of participants in the environment to develop and run analytic tools on specified data sets for the purpose of identifying cybersecurity threats.

(B) REQUIREMENTS.—The environment and the analytic tools used in the environment shall—

(i) operate in a manner consistent with applicable Federal security, privacy, civil rights, and civil liberties laws, policies and protections, including such policies and protections established pursuant to subsections (a)(4), (b), and (d)(5) of section 105 of the Cybersecurity Act of 2015 (6 U.S.C. 1504);

(ii) reflect the requirements set forth by Council;

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

(iv) incorporate tools to manage access to classified and unclassified data, as appropriate, for public and private sector personnel who are cleared for access to the highest level of classified data included in the environment;

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

(vi) allow for access by critical infrastructure stakeholders and other private sector partners, at the discretion of the Secretary, and after consulting the appropriate Sector Risk Management Agency;

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

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

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

(C) ACCESS CONTROLS.—The owner or originator of any data that has been authorized to be shared in the environment by that owner or originator shall have the authority to set access controls for such data and may restrict access to any particular data for any purpose, including for the purposes of protecting classified information and intelligence sources and methods from unauthorized disclosure, in accordance with any applicable Executive Order or an Act of Congress (including section 102A(i) of the National Security Act (50 U.S.C. 3024(i))).

(4) NATIONAL SECURITY SYSTEMS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), nothing in this section shall apply to national security systems or to information related to such systems, without the consent of the Federal entity that owns, operates, or controls the relevant national security system.

(B) NATIONAL MANAGER INVENTORY.—The Director of the National Security Agency shall request all Federal entities that own, operate, or control a national security system to identify all national security systems with capabilities or functions that are relevant to the environment.

(C) NATIONAL MANAGER DETERMINATION.—The Director of the National Security Agency may include a national security system identified under subparagraph (B) in the inventory and evaluation under paragraph (1) and the environment, with the consent of the Federal entity that owns, operates, or controls the national security system.

(5) ANNUAL REPORT REQUIREMENT ON THE IMPLEMENTATION, EXECUTION, AND EFFECTIVENESS OF THE PROGRAM.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Secretary, in coordination with the Secretary of Defense and the Director of National Intelligence, shall submit to the President, the Council, the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate, and the Committee on Homeland Security, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives a report that details—

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

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

(C) the impact of the environment on positive security outcomes for the Federal Government and non-Federal entities, such as owners of data that restrict access to particular data under paragraph (3)(C);

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

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

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

(d) CYBER THREAT DATA COLLABORATION COUNCIL.—

(1) ESTABLISHMENT.—There is established an interagency council, to be known as the ''Cyber Threat Data Collaboration Council'', which shall—

(A) ensure the implementation of the environment meets the requirements of this section;

(B) establish interoperability requirements for programs and systems participating or to be accessed in the environment;

(C) establish procedures, guidelines, and criteria for interagency cyber threat information sharing in the environment; and

(D) identify and work to address legal, policy, procedural, or technical barriers to ensure more effective and efficient interagency cyber threat information sharing and analysis in the environment.

(2) MEMBERSHIP.—

(A) PRINCIPAL MEMBERS.—The principal members of the Council shall be the National Cyber Director (who shall serve as the Chairperson of the Council), the Secretary, the Attorney General, the Director of National Intelligence, the Director of the National Security Agency, and the Secretary of Defense.

(B) ADDITIONAL FEDERAL MEMBERS.—The National Cyber Director shall identify and appoint additional members of the Council from among the heads of departments and agencies of Federal entities that oversee programs that generate, collect, disseminate, or analyze data or information on cybersecurity threats based on recommendations submitted by the principal members.

(C) ADVISORY MEMBERS.—The National Cyber Director shall identify and appoint advisory members from non-Federal entities that shall advise the Council based on recommendations submitted by the principal members.

(D) TECHNICAL ADVISORS.—The National Cyber Director may identify and invite Federal employees with specific relevant experience, background, technical, or subject matter expertise to participate in the Council as technical advisors, based on recommendations submitted by the principal members.

(3) PARTICIPATING PROGRAMS.—

(A) INITIAL DETERMINATION.—Not later than 30 days after receiving the inventory and evaluation required under subsection (c), the Council shall, based on the results of the inventory and evaluation, approve an initial list of programs or classes of programs that shall be designated and required to participate in or be interoperable with the environment, which may include—

(i) endpoint detection and response, system monitoring and other intrusion detection, and prevention programs;

(ii) cyber threat indicator sharing programs;

(iii) appropriate Government-sponsored network sensors or network-monitoring programs;

(iv) incident response and cybersecurity technical assistance programs; and

(v) malware forensics and reverse-engineering programs.

(B) YEARLY REVIEW.—The Council shall conduct a yearly review of programs required to participate in or be interoperable with the environment and update the list of programs as appropriate.

(4) DATA PRIVACY AND CIVIL LIBERTIES.—The Council shall establish a committee comprised of privacy, civil liberties, and intelligence oversight officers from the Department of Homeland Security, the Department of Defense, the Department of Justice, and the Office of the Director of National Intelligence to advise the Council on matters related to procedures and data governance structures, as necessary, to protect data shared in the environment, comply with Federal regulations and statutes on using and storing the data of United States persons, and respect agreements with non-Federal entities concerning their information.

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

(e) DURATION.—The program under this section shall terminate on the date that is 5 years after the date on which the Secretary achieves initial operating capability of the program as required under subsection (c)(3).

(f) RESOURCES.—Subject to the availability of appropriations and under conditions established jointly by the Secretary and Secretary of Defense, in coordination with the Director of National Intelligence, and subject to the concurrence of the Director regarding the use of any funds made available under the National Intelligence Program, the National Security Agency shall provide to the Cybersecurity and Infrastructure Security Agency resources, personnel, expertise, infrastructure, equipment, or such other support as may be required in the design, development, maintenance, or operation of the environment.

(g) PROTECTION OF SOURCES AND METHODS.—Consistent with section 102A of the National Security Act of 1947 (50 U.S.C. 3024), the Director of National Intelligence shall ensure this section is implemented in a manner that protects intelligence sources and methods. Federal entities implementing the environment or participating in the activities described in this section shall follow applicable policy and guidance issued by the Director of National Intelligence regarding the protection of intelligence sources and methods.

SA 6355. Mr. KING (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. ASSESSMENT OF READINESS AND SURVIVABILITY OF STRATEGIC FORCES OF THE UNITED STATES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a report on the readiness and survivability of the strategic forces of the United States, including recommendations for improving such readiness and survivability.

SA 6356. Mr. WHITEHOUSE (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 appropriate place in title X, insert the following:

SEC. _____. COORDINATOR FOR COMBATING FOREIGN KLEPTOCRACY AND CORRUPTION.

Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended—

(1) in subsection (b)—

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

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

(C) by adding at the end the following:

''(5) coordinate, without assuming operational authority, the United States Government efforts to identify and seize assets that are the proceeds of corruption pertaining to China, Iran, North Korea, or Russia and identifying the national security implications of strategic corruption in such countries.''.

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

''(h) COORDINATOR FOR COMBATING FOREIGN KLEPTOCRACY AND CORRUPTION.—

''(1) IN GENERAL.—The President shall designate an employee of the National Security Council to be responsible for the coordination of the interagency process for identifying and seizing assets that are that are the proceeds of corruption pertaining to China, Iran, North Korea, or Russia and identifying the national security implications of strategic corruption in such countries.

''(2) REPORTING.—The employee designated under paragraph (1) shall report to the Council's Senior Director for Europe.

''(3) COORDINATION WITH COORDINATOR FOR COMBATING MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.—The employee designated under paragraph (1) of this subsection shall coordinate with the employee designated under subsection (g)(1).

''(4) LIAISON.—The employee designated under paragraph (1) shall serve as a liaison, for purposes of coordination described in such paragraph, with the following:

''(A) The Department of the Treasury.

''(B) The Department of Justice.

''(C) The Department of Defense.

''(D) The intelligence community.

''(E) The Department of State.

''(F) Good government transparency groups in civil society.''.

SA 6357. 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 title XII, add the following:

Subtitle G—Arsenal of Democracy Act of 2022

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Arsenal of Democracy Act of 2022''.

SEC. 1282. DEFINITIONS.

In this subtitle:

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

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

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

(2) DEFENSE ARTICLE; DEFENSE SERVICE.—The terms ''defense article'' and ''defense service'' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(3) NATO.—The term ''NATO'' means the North Atlantic Treaty Organization.

SEC. 1283. ARSENAL OF DEMOCRACY FUND FOR THE PROVISION OF DEFENSE ARTICLES AND DEFENSE SERVICES.

(a) ESTABLISHMENT OF ARSENAL OF DEMOCRACY FUND.—

(1) IN GENERAL.—There is established the Arsenal of Democracy Fund (in this section referred to as the ''Fund''), which shall be administered by the Secretary of State, subject to the requirements this section.

(2) USE OF FUND.—The Secretary of State may use amounts in the Fund for the following purposes:

(A) To replace defense articles provided by countries to Ukraine to assist in the defense of Ukraine against Russian aggression.

(B) To enable countries threatened by Russia to strategically stockpile and transfer defense articles to aid those countries in preparation for—

(i) protection of civilian populations and defending the territorial integrity of countries against Russian military aggression;

(ii) ensuring continued sources of supply for non-standard ammunition and spare parts, as necessary, to meet the urgent needs of Ukraine until permanent NATO-standard equipment can be effectively used by the armed forces of Ukraine; or

(iii) protection of civilians.

(b) PROVISION OF DEFENSE ARTICLES AND DEFENSE SERVICES TO DEMOCRATIC COUNTRIES.—

(1) IN GENERAL.—In accordance with the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Secretary of State is authorized to provide defense articles and defense services pursuant to this section to the countries described in paragraph (2)—

(A) on a grant, loan, sale, or lease basis, as appropriate; and

(B) on such terms and conditions as the Secretary determines supports the security of the United States and international security.

(2) COUNTRIES DESCRIBED.—The countries described in this paragraph are the following:

(A) Ukraine.

(B) Any NATO member.

(C) Any democratic country that has provided defense articles to Ukraine.

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR ARSENAL OF DEMOCRACY FUND.—There is authorized to be appropriated $12,000,000,000 to the Fund for the period of fiscal years 2023 through 2025 to facilitate the provision of defense articles and defense services to the countries described in subsection (b)(2) pursuant to this section.

(2) TRANSFER OF AMOUNTS TO SPECIAL DEFENSE ACQUISITION FUND.—

(A) IN GENERAL.—The Secretary of State may transfer amounts in the Fund to the Special Defense Acquisition Fund established under section 51 of the Arms Export Control Act (22 U.S.C. 2795) for the purchase of defense articles consistent with the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the purposes described in subsection (a)(2).

(B) EXCLUSION OF AMOUNTS FROM LIMITATION.—Amounts transferred under subparagraph (A) shall not count toward the size of the Special Defense Acquisition Fund for purposes of the limitation described in section 51(c)(1) of the Arms Export Control Act (22 U.S.C. 2795(c)(1)).

(3) MATCH FROM NATO MEMBERS IN EUROPE.—The President should work with and encourage NATO members to match contributions made by the United States pursuant to this section.

(d) FUND TRANSFER AUTHORIZATIONS.—

(1) DEPARTMENT OF STATE SUPPORT FOR DEFENSE EXPORTABILITY FEATURES.—The Secretary of State may transfer not more than $50,000,000 in any fiscal year from the Fund to the Department of Defense for the purpose of supporting the design and incorporation of exportability features into Department of Defense systems identified for possible future export during the research and development phases of such systems.

(2) SUPPORT FOR UNITED STATES REPLACEMENT DEFENSE ARTICLES AND DEFENSE SERVICES.—The Secretary of State may transfer not more than $500,000,000 in any fiscal year from the Fund to the Department of Defense—

(A) for the acquisition of defense articles and defense services for the purposes described in subsection (a)(2); and

(B) to replace defense articles provided to countries described in subsection (b)(2).

(3) DEPARTMENT OF DEFENSE SUPPORT FOR ARSENAL OF DEMOCRACY FUND.—The Secretary of Defense may transfer not more than $100,000,000 in any fiscal year to the Fund for the purposes of this subtitle.

SEC. 1284. SUPPORTING LOANS, LOAN GUARANTEES, AND GRANTS TO ENHANCE FOREIGN COUNTRIES' DEFENSE AGAINST RUSSIA.

(a) IN GENERAL.—The President is authorized to provide loans, loan guarantees, and grants to the countries described in subsection (b)(2) of section 1283 to support the expansion of the defense production capacity of those countries in a manner consistent with the purposes described in subsection (a)(2) of such section, if the President—

(1) determines that the provision of such a loan, loan guarantee, or grant is necessary for the security of the United States; and

(2) submits to the appropriate congressional committees such determination, as specified in subsection (c), prior to the provision of such loan, loan guarantee, or grant.

(b) TERMS AND CONDITIONS.—The terms and conditions of any loan, loan guarantee, or grant provided under subsection (a) shall—

(1) require that a significant percentage of the defense articles to be produced through the expanded defense production capacity supported by the loan, loan guarantee, or grant will support the defense needs of the country to which the loan, loan guarantee, or grant is provided, consistent with the purposes described in subsection (a)(2) of such section;

(2) include cooperative measures with United States industry to the maximum extent possible; and

(3) include such other terms and conditions as the President considers necessary and appropriate.

(c) DETERMINATION.—

(1) IN GENERAL.—A determination submitted under subsection (a)(2) shall—

(A) provide in detail the basis for the President's determination under subsection (a)(1) that the provision of the loan, loan guarantee, or grant is necessary for the security of the United States;

(B) specify the recipient of the loan, loan guarantee, or grant;

(C) describe the specific defense production capacity to be expanded;

(D) specify the terms and conditions of the loan, loan guarantee, or grant, including—

(i) the condition described in subsection (b)(1); and

(ii) the percentage of the defense articles to be produced through the expanded defense production capacity supported by the loan, loan guarantee, or grant that will support defense needs as described in subsection (b)(1), disaggregated by country;

(E) specify the amount of the loan, loan guarantee, or grant; and

(F) include any other information that the President considers relevant to justify the determination.

(2) FORM.—A determination submitted under subsection (a)(2) shall be unclassified to the maximum extent practicable, but may include a classified annex.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000,000 for the period of fiscal years 2023 through 2025 for loans, loan guarantees, and grants provided under subsection (a).

SEC. 1285. REPORTS.

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the use of the authorities of this subtitle.

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

(A) A list of—

(i) all defense articles provided to foreign countries pursuant to section 1283; and

(ii) the terms and conditions under which such defense articles were provided.

(B) A description of any loans, loan guarantees, and grants provided under section 1284.

(b) SUBSEQUENT REPORTS.—Not later than 180 days after the date on which the initial report is submitted under paragraph (1) of subsection (a), and every 180 days thereafter until September 30, 2025, the Secretary of State shall submit to the appropriate congressional committees a report that includes the contents described in paragraph (2) of such subsection for the period covered by the report.

(c) FORM.—Each report required by this section shall be unclassified to the maximum extent practicable, but may include a classified annex.

SA 6358. 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. __. EXONERATION AND LIMITATION OF LIABILITY FOR SMALL PASSENGER VESSELS.

(a) RESTRUCTURING.—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 before section 30503 the following:

"Subchapter II—Exoneration and Limitation of Liability";

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) COVERED SMALL PASSENGER VESSEL.—The term 'covered small passenger vessel'—

''(A) means a small passenger vessel, as defined in section 2101 that is—

''(i) not a wing-in-ground craft; and

''(ii) carrying—

''(I) not more than 49 passengers on an overnight domestic voyage; and

''(II) not more than 150 passengers on any voyage that is not an overnight domestic voyage; and

''(B) includes any wooden vessel constructed prior to March 11, 1996, carrying at least 1 passenger for hire.

''(2) OWNER.—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.''.

(c) CLERICAL AMENDMENT.—The item relating to section 30501 in the analysis for chapter 305 of title 46, United States Code, is amended to read as follows:

''Sec. 30501. Definitions.''.

(d) APPLICABILITY.—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 sections 30521 and 30531) 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) section 30531 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.''.

(e) PROVISIONS REQUIRING NOTICE OF CLAIM OR LIMITING TIME FOR BRINGING ACTION.—Section 30526 of title 46, United States Code, as redesignated by subsection (a), is amended—

(1) in subsection (b)(1), by striking ''6 months'' and inserting ''2 years''; and

(2) in subsection (b)(2), by striking ''one year'' and inserting ''2 years''.

(f) OTHER RULES FOR SMALL PASSENGER VESSELS.—Subchapter II of chapter 305 of title 46, United States Code, as amended by this section, is further amended by adding at the end the following:

"§ 30531. 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 [____(i)] of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.''.

(g) TABLE OF SUBCHAPTERS AND CHAPTER ANALYSIS.—The chapter analysis 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 inserting after the item relating to section 30530 the following:

''Sec. 30531. Exoneration and limitation of liability provisions.''.

(h) 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), by striking ''section 30506'' and inserting ''section 30524'';

(3) in section 30524(b), as redesignated by subsection (a), by striking ''section 30505'' and inserting ''section 30523''; and

(4) in section 30525, as redesignated by subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''sections 30505 and 30506'' and inserting ''sections 30523 and 30524'';

(B) in paragraph (1), by striking ''section 30505'' and inserting ''section 30523''; and

(C) in paragraph (2), by striking ''section 30506(b)'' and inserting ''section 30524(b)''.

(i) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take

effect as if enacted into law on September 2, 2019.

SA 6359. 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 C of title VIII, add the following:

SEC. 848. MODIFICATION OF DEFINITION OF DOMESTIC SOURCE UNDER DEFENSE PRODUCTION ACT OF 1950.

Section 702(7)(A) of the Defense Production Act of 1950 (50 U.S.C. 4552(7)(A)) is amended by striking ''the United States or Canada'' and inserting ''the United States, the United Kingdom, Australia, or Canada (or, in the case of actions carried out pursuant to Presidential Determination No. 2022–11 (87 Fed. Reg. 19775), the United States)''.

SA 6360. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. FUNDING FOR RESEARCH AND DEVELOPMENT RELATING TO RARE EARTH ELEMENTS.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated for the National Defense Stockpile Transaction Fund, as specified the funding table in section 4501, is hereby increased by $2,000,000 (with the amount of such increase to be used to strengthen and implement the domestic industrial base for rare earth metallization related to permanent magnet production and related projects.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Army, as specified in the corresponding funding table in section 4201, for system development and demonstration, integrated personnel and pay system-Army (IPPS-A) (PE 0605018A), line 123, is hereby reduced by $2,000,000.

SA 6361. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. REPORT ON STRATEGIC AND CRITICAL MATERIALS.

(a) FINDING.—Congress finds that the annex provided by the Department of Defense under section 851 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3773) did not contain every element required under such section.

(b) REPORT REQUIRED.—Not later than June 1, 2023, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing strategic and critical materials requirements of the Department of Defense, including the gaps and vulnerabilities in supply chains of such materials.

(c) ELEMENTS.—The Under Secretary shall include in the report required by subsection (b) the following:

(1) The overall annual tonnage of each strategic or critical material used by the Department of Defense during the 10-year period ending on December 31, 2021.

(2) An evaluation of the benefits of a robust domestic supply chain for strategic and critical materials.

(3) An evaluation of the effects of the use of waivers by the Strategic Materials Protection Board established under section 187 of title 10, United States Code, on the domestic supply of strategic and critical materials.

(4) An identification of the improvements to the National Defense Stockpile that are required to further ensure that the Department of Defense has access to strategic and critical materials, aligning the goals of the stockpile with those of the Department and prioritize existing and future needs for emerging technologies.

(5) An evaluation of the domestic processing and manufacturing capacity required to supply strategic and critical materials to the Department of Defense, including identifying, in consultation with the Director of the United States Geological Survey, domestic locations of proven sources of such strategic and critical materials with existing commercial manufacturing capabilities.

(6) An identification of all minerals that are strategic and critical materials, and supply chains for such minerals, that originate in or pass through the Russian Federation.

(7) An evaluation of the process required to immediately halt the procurement of minerals described in paragraph (6) or products by the Federal Government without adversely affecting national security.

(8) Any limits on the availability of information preventing or limiting the Under Secretary from fully addressing an element described in paragraphs (1) through (7) in the report.

(9) Any legislative recommendations, statutory authority, or appropriations necessary to improve the ability of the Department to monitor and address its strategic and critical materials requirements.

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

(e) STRATEGIC AND CRITICAL MATERIALS DEFINED.—In this section, the term ''strategic and critical materials'' has the meaning given such term in section 12 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–3).

SA 6362. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. ELIGIBILITY OF TAIWAN FOR THE STRATEGIC TRADE AUTHORIZATION EXCEPTION TO CERTAIN EXPORT CONTROL LICENSING REQUIREMENTS.

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

(1) Taiwan has adopted high standards in the field of export controls.

(2) Taiwan has declared its unilateral adherence to the Missile Technology Control Regime, the Wassenaar Arrangement, the Australia Group, and the Nuclear Suppliers Group.

(3) At the request of President George W. Bush, section 1206 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2321k note) required that Taiwan be treated as if it were designated as a major non-NATO ally (as defined in section 644(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(q)).

(b) ELIGIBILITY FOR STRATEGIC TRADE AUTHORIZATION.—The President, consistent with the commitments of the United States under international arrangements, shall take steps so that Taiwan may be treated as if it were included in the list of countries eligible for the strategic trade authorization exception under section 740.20(c)(1) of the Export Administration Regulations to the requirement for a license for the export, re-export, or in-country transfer of an item subject to controls under the Export Administration Regulations.

(c) CRITERIA.—Before the President may treat Taiwan as eligible for the exception described in subsection (b), the President shall ensure that Taiwan satisfies any applicable criteria normally required for inclusion in the Country Group A:5 list set forth in Supplement No. 1 to part 740 of the Export Administration Regulations, particularly with respect to alignment of export control policies with such policies of the United States.

(d) EXPORT ADMINISTRATION REGULATIONS DEFINED.—In this section, the term ''Export Administration Regulations'' has the meaning given that term in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

SA 6363. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. PROTECTION OF ELECTRIC GRID OF UNITED STATES FROM CYBER WARFARE AND ELECTROMAGNETIC PULSE THREATS.

(a) IN GENERAL.—The Secretary of Defense and the Director of the Cybersecurity and Infrastructure Security Agency shall provide information and resources, including through the procurement or construction of large power transformers, to entities described in subsection (b) to protect the electric grid of the United States from cyber warfare and electromagnetic pulse threats, including—

(1) a high-altitude nuclear electromagnetic pulse attack;

(2) a natural electromagnetic pulse generated by a solar superstorm; and

(3) other cyber electromagnetic pulse threats, such as radiofrequency weapons.

(b) ENTITIES DESCRIBED.—The entities described in this subsection are the following:

(1) State governmental entities responsible for national and homeland security.

(2) Public utility commissions.

(3) The North American Electric Reliability Corporation.

(4) Utilities that supply electricity to military installations and critical defense industries, as determined by the Secretary of Defense, within the continental United States.

(c) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Defense $4,000,000,000 to carry out this section.

(2) OFFSET.—Of the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, there is rescinded, on a pro rata basis, $4,000,000,000.

SA 6364. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. USE OF CERTAIN DOMESTICALLY PRODUCED MEDICAL ISOTOPES BY DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) INCREASED USE.—Beginning not later than September 30, 2023, the Secretary of Defense and the Secretary of Veterans Affairs shall take steps to increase the use of technetium 99m patient doses procured from domestically manufactured molybdenum 99 (including by developing a plan to increase the use of technetium 99m patient doses procured from domestically manufactured molybdenum 99) only if such increase does not result in a cost increase compared to the competitive market.

(b) REPORT.—Not later than September 30, 2023, and on an annual basis thereafter until September 30, 2028, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the percentage of technetium 99m patient doses procured by each Secretary from domestically manufactured molybdenum 99 during the one-year period preceding the date of the report.

SA 6365. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. COUNTERING EMERGING AERIAL THREATS TO DIPLOMATIC SECURITY.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2561a et seq.) is amended by adding at the end the following:

"SEC. 64. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

''(a) DEFINITIONS.—In this section:

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

''(A) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

''(3) The term 'covered facility or asset' means any facility or asset that—

''(A) is identified as high-risk and a potential target for unlawful unmanned aircraft activity by the Secretary of State, in coordination with the Secretary of Transportation with respect to potentially impacted airspace, through a risk-based assessment;

''(B) is located in the United States; and

''(C) directly relates to the security or protection operations of the Department of State, including operations pursuant to—

''(i) section 37; or

''(ii) the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4801 et seq.).

''(4) The terms 'electronic communication', 'intercept', 'oral communication', and 'wire communication' have the meanings given those terms in section 2510 of title 18, United States Code.

''(5)(A) The term 'personnel' means—

''(i) an officer, employee, or contractor of the Department of State, who is authorized to perform duties that include safety, security, or protection of people, facilities, or assets; or

''(ii) an employee who is trained and certified to perform those duties, including training specific to countering unmanned aircraft threats and mitigating risks in the national airspace.

''(B) To qualify for use of the authorities described in subsection (b), a contractor conducting operations described in that subsection must—

''(i) be directly contracted by the Department of State;

''(ii) provide, in the contract, insurance coverage sufficient to compensate tort victims;

''(iii) operate at a government-owned or government-leased facility or asset;

''(iv) not conduct inherently governmental functions;

''(v) be trained to safeguard privacy and civil liberties; and

''(vi) be trained and certified, including use-of-force training and certification, by the Department of State to meet the established standards and regulations of the Department of State.

''(6) The term 'risk-based assessment' means an evaluation of threat information specific to a covered facility or asset and, with respect to potential impacts on the safety and efficiency of the national airspace system and the needs of law enforcement and national security at each covered facility or asset identified by the Secretary of State, of each of the following factors:

''(A) Potential impacts to safety, efficiency, and use of the national airspace system, including potential effects on manned aircraft and unmanned aircraft systems or unmanned aircraft, aviation safety, airport operations, infrastructure, and air navigation services relating to the use of any system or technology for carrying out the actions described in subsection (c).

''(B) Options for mitigating any identified impacts to the national airspace system relating to the use of any system or technology, including minimizing, when possible, the use of any technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (c).

''(C) Potential consequences of the impacts of any actions taken under subsection (c) to the national airspace system and infrastructure if not mitigated.

''(D) The ability to provide reasonable advance notice to aircraft operators consistent with the safety of the national airspace system and the needs of law enforcement and national security.

''(E) The setting and character of any covered facility or asset, including—

''(i) whether the covered facility or asset is located in a populated area or near other structures;

''(ii) whether the covered facility or asset is open to the public;

''(iii) whether the covered facility or asset is used for nongovernmental functions; and

''(iv) any potential for interference with wireless communications or for injury or damage to persons or property.

''(F) Potential consequences to national security, public safety, or law enforcement if threats posed by unmanned aircraft systems or unmanned aircraft are not mitigated or defeated.

''(7) The terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 44801 of title 49, United States Code.

''(b) AUTHORITY OF THE DEPARTMENT OF STATE.—Notwithstanding section 46502 of title 49, United States Code, or sections 32, 1030, 1367, and chapters 119 and 206 of title 18, United States Code, the Secretary of State may take, and may authorize personnel with assigned duties that include the safety, security, or protection of people, facilities, or assets to take, actions described in subsection (c) that are necessary to detect, identify, monitor, track, and mitigate a credible threat (as defined by the Secretary of State, in consultation with the Secretary of Transportation through the Administrator of the Federal Aviation Administration) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

''(c) ACTIONS DESCRIBED.—

''(1) IN GENERAL.—The actions authorized by subsection (b) are the following:

''(A) During the operation of the unmanned aircraft system or unmanned aircraft, detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft.

''(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect, physical, electronic, radio, and electromagnetic means.

''(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent of the operator of the unmanned aircraft system or unmanned aircraft, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

''(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

''(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

''(F) Use reasonable force, if necessary, to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

''(2) TEMPORARY FLIGHT RESTRICTIONS.—A temporary flight restriction shall be timely published prior to undertaking any actions described in paragraph (1).

''(d) RESEARCH, TESTING, TRAINING, AND EVALUATION.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—Notwithstanding section 46502 of title 49, United States Code, or any provision of title 18, United States Code, the Secretary of State shall conduct research, testing, training on, and evaluation of any equipment, including any electronic equipment, to determine the capability and utility of the equipment prior to the use of the equipment in carrying out any action described in subsection (c).

''(B) COORDINATION.—Personnel and contractors who do not have duties that include the safety, security, or protection of people, facilities, or assets may engage in research, testing, training, and evaluation activities pursuant to subparagraph (A).

''(2) COORDINATION FOR RESEARCH, TESTING, TRAINING, AND EVALUATION.—The Secretary of State shall coordinate procedures governing research, testing, training, and evaluation to carry out any provision under this subsection with the Administrator of the Federal Aviation Administration before initiating such activity in order that the Administrator of the Federal Aviation Administration may ensure the activity does not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

''(e) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft that is seized by the Secretary of State pursuant to subsection (b) is subject to forfeiture to the United States pursuant to the provisions of chapter 46 of title 18, United States Code.

''(f) REGULATIONS AND GUIDANCE.—The Secretary of State, and the Secretary of Transportation—

''(1) may prescribe regulations to carry out this section; and

''(2) in developing regulations described in paragraph (1), consult the Chair of the Federal Communications Commission, the Administrator of the National Telecommunications and Information Administration, and the Administrator of the Federal Aviation Administration.

''(g) COORDINATION.—

''(1) IN GENERAL.—The Secretary of State shall coordinate with the Administrator of the Federal Aviation Administration before carrying out any action authorized under this section in order that the Administrator may ensure the action does not adversely impact or interfere with—

''(A) safe airport operations;

''(B) navigation;

''(C) air traffic services; or

''(D) the safe and efficient operation of the national airspace system.

''(2) GUIDANCE.—Before issuing any guidance, or otherwise implementing this section, the Secretary of State shall, coordinate with—

''(A) the Secretary of Transportation in order that the Secretary of Transportation may ensure the guidance or implementation does not adversely impact or interfere with any critical infrastructure relating to transportation; and

''(B) the Administrator of the Federal Aviation Administration in order that the Administrator may ensure the guidance or implementation does not adversely impact or interfere with—

''(i) safe airport operations;

''(ii) navigation;

''(iii) air traffic services; or

''(iv) the safe and efficient operation of the national airspace system.

''(3) COORDINATION WITH THE FAA.—The Secretary of State shall coordinate the development of guidance under subsection (f) with the Secretary of Transportation (through the Administrator of the Federal Aviation Administration).

''(4) COORDINATION WITH THE DEPARTMENT OF TRANSPORTATION AND NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.—The Secretary of State shall coordinate the development of the actions described in subsection (c) with the Secretary of Transportation (through the Administrator of the Federal Aviation Administration) and the Assistant Secretary of Commerce for Communications and Information and Administrator of the National Telecommunications and Information Administration.

''(h) PRIVACY PROTECTION.—

''(1) IN GENERAL.—Any regulation or guidance issued to carry out an action under subsection (c) by the Secretary of State shall ensure for the Department of State, that—

''(A) the interception of, acquisition of, access to, maintenance of, or use of any communication to or from an unmanned aircraft system or unmanned aircraft under this section is conducted in a manner consistent with the First and Fourth Amendments to the Constitution of the United States and any applicable provision of Federal law;

''(B) any communication to or from an unmanned aircraft system or unmanned aircraft are intercepted or acquired only to the extent necessary to support an action described in subsection (c);

''(C) any record of a communication described in subparagraph (B) is maintained only for as long as necessary, and in no event for more than 180 days, unless the Secretary of State determines that maintenance of the record is—

''(i) required under Federal law;

''(ii) necessary for the purpose of litigation; and

''(iii) necessary to investigate or prosecute a violation of law, including by—

''(I) directly supporting an ongoing security operation; or

''(II) protecting against dangerous or unauthorized activity by unmanned aircraft systems or unmanned aircraft; and

''(D) a communication described in subparagraph (B) is not disclosed to any person not employed or contracted by the Department of State unless the disclosure—

''(i) is necessary to investigate or prosecute a violation of law;

''(ii) will support—

''(I) the Department of Defense;

''(II) a Federal law enforcement, intelligence, or security agency;

''(III) a State, local, Tribal, or territorial law enforcement agency; or

''(IV) another relevant entity or person if the entity or person is engaged in a security or protection operation;

''(iii) is necessary to support a department or agency listed in clause (ii) in investigating or prosecuting a violation of law;

''(iv) will support the enforcement activities of a Federal regulatory agency relating to a criminal or civil investigation of, or any regulatory, statutory, or other enforcement action relating to, an action described in subsection (c);

''(v) is between the Department of State and a Federal law enforcement agency in the course of a security or protection operation of either agency or a joint operation of such agencies; or

''(vi) is otherwise required by law;

''(i) BUDGET.—

''(1) IN GENERAL.—The Secretary of State shall submit to Congress, as a part of the budget materials of the Department of State for each fiscal year after fiscal year 2023, a consolidated funding display that identifies the funding source for the actions described in subsection (c) within the Department of State.

''(2) CLASSIFICATION.—Each funding display submitted under paragraph (1) shall be in unclassified form but may contain a classified annex.

''(j) PUBLIC DISCLOSURES.—

''(1) IN GENERAL.—Information shall be governed by the disclosure obligations set forth in section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'), if the information relates to—

''(A) any capability, limitation, or sensitive detail of the operation of any technology used to carry out an action described in subsection (c); or

''(B) an operational procedure or protocol used to carry out this section.

''(2) ACCESS.—Any request for public access to information described in paragraph (1) shall be submitted to the Department of State, which shall process the request as required under section 552(a)(3) of title 5, United States Code.

''(k) ASSISTANCE AND SUPPORT.—

''(1) FACILITIES AND SERVICES OF OTHER AGENCIES AND NON-FEDERAL ENTITIES.—

''(A) IN GENERAL.—The Secretary of State is authorized to use or accept from any other Federal agency, or any other public or private entity, any supply or service to facilitate or carry out any action described in subsection (c).

''(B) REIMBURSEMENT.—In accordance with subparagraph (A), the Secretary of State may accept any supply or service with or without reimbursement to the entity providing the supply or service and notwithstanding any provision of law that would prevent the use or acceptance of the supply or service.

''(C) AGREEMENTS.—To implement the requirements of subsection (a)(3)(C), the Secretary of State may enter into 1 or more agreements with the head of another executive agency or with an appropriate official of a non-Federal public or private agency or entity, as may be necessary and proper to carry out the responsibilities of the Secretary of State under this section.

''(1) SEMIANNUAL BRIEFINGS AND NOTIFICATIONS.—

''(1) IN GENERAL.—On a semiannual basis beginning 180 days after the date of the enactment of this section, the Secretary of State shall provide a briefing to the appropriate committees of Congress on the activities carried out pursuant to this section.

''(2) REQUIREMENT.—The Secretary of State shall conduct the briefing required under paragraph (1) jointly with the Secretary of Transportation.

''(3) CONTENT.—Each briefing required under paragraph (1) shall include—

''(A) policies, programs, and procedures to mitigate or eliminate impacts of activities carried out pursuant to this section to the national airspace system and other critical infrastructure relating to national transportation;

''(B) a description of—

''(i) each instance in which any action described in subsection (c) has been taken, including any instances that may have resulted in harm, damage, or loss to a person or to private property;

''(ii) the guidance, policies, or procedures established by the Secretary of State to address privacy, civil rights, and civil liberties issues implicated by the actions permitted under this section, as well as any changes or subsequent efforts by the Secretary of State that would significantly affect privacy, civil rights, or civil liberties;

''(iii) options considered and steps taken by the Secretary of State to mitigate any identified impacts to the national airspace system relating to the use of any system or technology, including the minimization of the use of any technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (c); and

''(iv) each instance in which a communication intercepted or acquired during the course of operations of an unmanned aircraft system or unmanned aircraft was—

''(I) held in the possession of the Department of State for more than 180 days; or

''(II) shared with any entity other than the Department of State;

''(C) an explanation of how the Secretary of State and the Secretary of Transportation have—

''(i) informed the public as to the possible use of authorities granted under this section; and

''(ii) engaged with Federal, State, local, Tribal, and territorial law enforcement agencies to implement and use authorities granted under this section; and

''(D) a description of the impact of the authorities granted under this section on—

''(i) lawful operator access to national airspace; and

''(ii) unmanned aircraft systems and unmanned aircraft integration into the national airspace system.

''(4) UNCLASSIFIED FORM.—Each briefing required under paragraph (1) shall be in unclassified form but may be accompanied by an additional classified briefing.

''(m) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) vest in the Secretary of State any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration;

''(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of State; or

''(3) provide a new basis of liability with respect to an officer of a State, local, Tribal, or territorial law enforcement agency who participates in a security or protection operation of the Department of State and in so doing—

''(A) is acting in the official capacity of the individual as an officer; and

''(B) does not exercise the authority granted to the Secretary of State by this section.

''(n) TERMINATION.—The authority provided by subsection (b) shall terminate on the date that is 4 years after the date of the enactment of this section.

''(o) SCOPE OF AUTHORITY.—Nothing in this section shall be construed to provide the Secretary of State with additional authorities beyond those described in subsection (b).''.

SA 6366. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS.

Section 303 of the Diplomatic Security Act of 1986 (22 U.S.C. 4833) is amended to read as follows:

''SEC. 303. SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS.

''(a) INVESTIGATION PROCESS.—

''(1) INITIATION UPON REPORTED INCIDENT.—A United States mission shall submit an initial report of a Serious Security Incident not later than 3 days after such incident occurs, whenever feasible, at which time an investigation of the incident shall be initiated.

''(2) INVESTIGATION.—Not later than 10 days after the submission of a report pursuant to paragraph (1), the Secretary shall direct the Diplomatic Security Service to assemble an investigative team to investigate the incident and independently establish what occurred. Each investigation under this subsection shall cover—

''(A) an assessment of what occurred, who perpetrated or is suspected of having perpetrated the Serious Security Incident, and whether applicable security procedures were followed;

''(B) in the event the Serious Security Incident involved a United States diplomatic compound, motorcade, residence, or other facility, an assessment of whether adequate security countermeasures were in effect based on known threat at the time of the incident;

''(C) if the incident involved an individual or group of officers, employees, or family members under Chief of Mission security responsibility conducting approved operations or movements outside the United States mission, an assessment of whether proper security briefings and procedures were in place and whether weighing of risk of the operation or movement took place; and

''(D) an assessment of whether the failure of any officials or employees to follow procedures or perform their duties contributed to the security incident.

''(3) INVESTIGATIVE TEAM.—The investigative team assembled pursuant to paragraph (2) shall consist of individuals from the Diplomatic Security Service who shall provide an independent examination of the facts surrounding the incident and what occurred. The Secretary, or the Secretary's designee, shall review the makeup of the investigative team for a conflict, appearance of conflict, or lack of independence that could undermine the results of the investigation and may remove or replace any members of the team to avoid such an outcome.

''(b) INVESTIGATION PROCEDURES.—

''(1) PROCEDURES WITH RESPECT TO FEDERAL EMPLOYEES AND CONTRACTORS.—

''(A) AUTHORIZED ACTIONS.—With respect to any individual described in subparagraph (C), an investigative team conducting an investigation pursuant to subsection (a)(2) may—

''(i) administer oaths and affirmations;

''(ii) require that depositions be given and interrogatories answered; and

''(iii) require the attendance and presentation of testimony and evidence by such individual.

''(B) FAILURE TO COMPLY.—Failure of an individual described in subparagraph (C) to comply with a request of an investigative team under subparagraph (A) shall be grounds for disciplinary action by the head of the Federal agency in which such individual is employed or serves, or in the case of a contractor, debarment.

''(C) FEDERAL EMPLOYEES AND CONTRACTORS.—The individuals described in this paragraph are—

''(i) employees (as defined in section 2105 of title 5, United States Code);

''(ii) members of the Foreign Service;

''(iii) members of the uniformed services (as defined in section 101(3) of title 37, United States Code);

''(iv) employees of instrumentalities of the United States; and

''(v) individuals employed by any person or entity under contract with agencies or instrumentalities of the United States Government to provide services, equipment, or personnel.

''(2) PROCEDURES WITH RESPECT TO OTHER PERSONS.—With respect to a person who is not described in subparagraph (1)(C), an investigative team conducting an investigation pursuant to subsection (a)(2) may—

''(A) administer oaths and affirmations; and

''(B) require that depositions be given and interrogatories answered.

''(3) SUBPOENAS.—

''(A) IN GENERAL.—An investigative team may issue a subpoena for the attendance and testimony of any person (other than an individual described in clause (i), (ii), (iii), or (iv) of paragraph (1)(C)) and the production of documentary or other evidence from any such person if the investigative team finds that such a subpoena is necessary in the interests of justice for the development of relevant evidence.

''(B) REFUSAL TO COMPLY.—In the case of contumacy or refusal to obey a subpoena issued under this subparagraph, a court of the United States within the jurisdiction of which a person is directed to appear or produce information, or within the jurisdiction of which the person is found, resides, or transacts business, may upon application of the Attorney General, issue to such person an order requiring such person to appear before the investigative team to give testimony or produce information as required by the subpoena.

''(C) WITNESS FEES.—Subpoenaed witnesses shall be paid the same fee and mileage allowances which are paid subpoenaed witnesses in the courts of the United States.

''(c) REPORT OF INVESTIGATION.—Not later than 90 days after the occurrence of a Serious Security Incident, the investigative team investigating the incident shall prepare and submit a Report of Investigation to the Security Review Committee that includes—

''(1) a detailed description of the matters set forth in subparagraphs (A) through (D) of subsection (a)(2), including all related findings;

''(2) a complete and accurate account of the casualties, injuries, and damage resulting from the incident; and

''(3) a review of security procedures and directives in place at the time of the incident.

''(d) CONFIDENTIALITY.—The investigative team investigating a Serious Security Incident shall adopt such procedures with respect to confidentiality as determined necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of National Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel included in the report required under subsection (c). The Security Review Committee shall determine the level of classification of the final report prepared pursuant to section 304(d), and shall incorporate the same confidentiality measures in such report to the maximum extent practicable.

''(e) STATUS OF AN INVESTIGATIVE TEAM.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) and section 552b of title 5, United States Code, (relating to open meetings) shall not apply to any investigative team assembled pursuant to subsection (a)(2).''.

SA 6367. Mr. JOHNSON (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of 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 Family of Medium Tactical Vehicles (FMTV), strike the amount in the Senate Authorized column and insert ''187,086''.

In the funding table in section 4101, in the item relating to Family of Heavy Tactical Vehicles (FHTV), strike the amount in the Senate Authorized column and insert ''284,112''.

In the funding table in section 4101, in the item relating to Total Other Procurement, Army, strike the amount in the Senate Authorized column and insert ''9,247,739''.

SA 6368. 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 VIII, add the following:

SEC. 848. MODIFICATION OF DEFINITION OF DOMESTIC SOURCE UNDER DEFENSE PRODUCTION ACT OF 1950.

Section 702(7)(A) of the Defense Production Act of 1950 (50 U.S.C. 4552(7)(A)) is amended by striking ''the United States or Canada'' and inserting ''the United States, the United Kingdom, Australia, or Canada (or, in the case of actions carried out pursuant to Presidential Determination No. 2022–11 (87 Fed. Reg. 19775), the United States or Canada)''.

SA 6369. Mr. YOUNG (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 end of title XII, add the following:

Subtitle G—Countering Economic Coercion Act of 2022

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Countering Economic Coercion Act of 2022''.

SEC. 1282. SENSE OF CONGRESS.

The following is the sense of Congress:

(1) Foreign adversaries are increasingly using economic coercion to pressure, punish, and influence United States allies and partners.

(2) Economic coercion causes economic harm to United States allies and partners and creates malign influence on the sovereign political actions of such allies and partners.

(3) Economic coercion of United States allies and partners has negative effects on the national security of the United States.

(4) Economic coercion is often characterized by—

(A) arbitrary and discriminatory actions that seek to interfere with sovereign actions, violate international trade rules, and run counter to the rules-based international order;

(B) capricious and non-transparent actions taken without due process afforded;

(C) intimidation or threats of punitive actions; and

(D) informal actions that take place without explicit government action.

(5) Recent acts of economic coercion have included instances in which foreign adversaries have—

(A) acted in a capricious and non-transparent manner to prevent or dissuade consumers from purchasing imports from a foreign trading partner;

(B) enacted discriminatory administrative fees or technical barriers to trade in goods and services in response to sovereign political actions taken by a foreign trading partner;

(C) arbitrarily restricted market access or otherwise limited the import of goods or services from a foreign trading partner;

(D) arbitrarily restricted investment in or export of goods or services to a foreign trading partner; and

(E) acted in a non-transparent manner to manipulate a private entity with the intent of causing economic harm to or influencing sovereign political actions of a foreign trading partner.

(6) Existing mechanisms for trade dispute resolution and international arbitration are inadequate for responding to economic coercion in a timely and effective manner as foreign adversaries exploit plausible deniability and lengthy processes to evade accountability.

(7) The United States should provide material support to foreign trading partners affected by economic coercion.

(8) Supporting foreign trading partners affected by economic coercion can lead to opportunities for United States businesses, investors, and workers to reach new markets and customers.

(9) Responding to economic coercion will be most effective when the United States provides relief to affected foreign trading partners in coordination with allies and like-minded countries.

(10) Such coordination will further demonstrate broad resolve against economic coercion.

SEC. 1283. DEFINITIONS.

In this Act:

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

(A) means—

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

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

(B) includes—

(i) with respect to the exercise of any authority under section 1285(a)(1) or 1285(b)—

(I) the Committee on Finance of the Senate; and

(II) the Committee on Ways and Means of the House of Representatives; and

(ii) with respect to the exercise of any authority under paragraphs (6) or (8) of section 1285(a)—

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

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

(2) ECONOMIC COERCION.—The term ''economic coercion'' means actions, practices, or threats undertaken by a foreign adversary to restrain, obstruct, or manipulate trade, foreign aid, investment, or commerce in an arbitrary, capricious, or non-transparent manner with the intention to cause economic harm to achieve strategic political objectives or influence sovereign political actions.

(3) EXPORT; EXPORT ADMINISTRATION REGULATIONS; IN-COUNTRY TRANSFER; REEXPORT.—The terms ''export'', ''Export Administration Regulations'', ''in-country transfer'', and ''reexport'' have the meanings given those terms in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

(4) FOREIGN ADVERSARY.—The term ''foreign adversary'' has the meaning given that term in section 8(c)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)(2))).

(5) FOREIGN TRADING PARTNER.—The term ''foreign trading partner'' means a jurisdiction that is a trading partner of the United States.

SEC. 1284. DETERMINATION OF ECONOMIC COERCION.

(a) IN GENERAL.—If the President determines that a foreign trading partner is subject to economic coercion by a foreign adversary, the President may exercise, in a manner proportionate to the economic coercion, any authority described—

(1) in section 1285(a) to support or assist the foreign trading partner; or

(2) in section 1285(b) to penalize the foreign adversary.

(b) INFORMATION; HEARINGS.—To inform any determination or exercise of authority under subsection (a), the President shall—

(1) consult with the Secretary of State, the Secretary of Commerce, the Secretary of the Treasury, the United States Trade Representative, and the heads of other Federal agencies, as the President considers appropriate;

(2) seek information and advice from and consult with other relevant officers of the United States; and

(3) afford other interested parties an opportunity to present relevant information and advice.

(c) CONSULTATION WITH CONGRESS.—The President shall consult with the appropriate congressional committees—

(1) before exercising any authority under subsection (a); and

(2) not less frequently than once every 180 days for the duration of the exercise of such authority.

(d) NOTICE.—Not later than 30 days after the date that the President determines that a foreign trading partner is subject to economic coercion or exercises any authority under subsection (a), the President shall publish in the Federal Register—

(1) a notice of the determination or exercise of authority; and

(2) a description of the circumstances that led to such determination or exercise of authority.

(e) REVOCATION OF DETERMINATION.—

(1) IN GENERAL.—Any determination made by the President under subsection (a) shall be revoked on the earliest of—

(A) the date that is 2 years after the date of such determination;

(B) the date of the enactment of a joint resolution revoking the determination; or

(C) the date on which the President issues a proclamation revoking the determination.

(2) TERMINATION OF AUTHORITIES.—Any authority described in section 1285(a) exercised pursuant to a determination that has been revoked under paragraph (1) shall cease to be exercised on the date of such revocation, except that such revocation shall not affect—

(A) any action taken or proceeding pending not finally concluded or determined on such date; or

(B) any rights or duties that matured or penalties that were incurred prior to such date.

SEC. 1285. AUTHORITIES TO ASSIST FOREIGN TRADING PARTNERS AFFECTED BY ECONOMIC COERCION.

(a) AUTHORITIES WITH RESPECT TO FOREIGN TRADING PARTNERS.—The authorities described in this subsection are the following:

(1) Subject to section 1286, with respect to goods imported into the United States from a foreign trading partner subject to economic coercion by a foreign adversary—

(A) the reduction or elimination of duties; or

(B) the modification of tariff-rate quotas.

(2) Requesting appropriations for foreign aid to the foreign trading partner.

(3) Expedited decisions with respect to the issuance of licenses for the export or reexport to, or in-country transfer in, the foreign trading partner of items subject to controls under the Export Administration Regulations, consistent with the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.).

(4) Expedited regulatory processes related to the importation of goods and services into the United States from the foreign trading partner.

(5) Requesting the necessary authority and appropriations for sovereign loan guarantees to the foreign trading partner.

(6) The waiver of policy requirements (other than policy requirements mandated by an Act of Congress) as necessary to facilitate the provision of financing to support exports to the foreign trading partner.

(7) Requesting appropriations for loan loss reserves to facilitate the provision of financing to support United States exports to the foreign trading partner.

(8) The exemption of financing provided to support United States exports to the foreign trading partner from section 8(g)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g(g)(1)).

(b) AUTHORITIES WITH RESPECT TO FOREIGN ADVERSARIES.—With respect to goods imported into the United States from a foreign adversary engaged in economic coercion of a foreign trading partner, the authorities described in this subsection are the following:

(1) The increase in duties.

(2) The modification of tariff-rate quotas.

(c) COORDINATION WITH ALLIES.—To broaden economic support for a foreign trading partner, the President shall endeavor to coordinate the exercise of the authorities described in subsection (a) with other foreign trading partners.

SEC. 1286. CONDITIONS WITH RESPECT TO TARIFF AUTHORITY.

(a) LIMITATIONS ON TARIFF AUTHORITY.—The authority described in section 1285(a)(1)—

(1) does not include the authority to reduce or eliminate antidumping or countervailing duties imposed under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.);

(2) may only apply to an article if—

(A) such article is—

(i) designated by the President as an eligible article for purposes of the Generalized System of Preferences under section 503 of the Trade Act of 1974 (19 U.S.C. 2463); and

(ii) imported directly from the foreign trading partner into the customs territory of the United States; and

(B) the sum of the cost or value of the materials produced in the foreign trading partner and the direct costs of processing operations performed in such foreign trading partner is not less than 35 percent of the appraised value of such article at the time it is entered;

(3) may not apply to any article that is the product of the foreign trading partner by virtue of having merely undergone—

(A) simple combining or packaging operations; or

(B) mere dilution with water or another substance that does not materially alter the characteristics of the article; and

(4) may not be applied in a manner that would provide indirect economic benefit to a foreign adversary.

(b) CONSULTATION WITH CONGRESS.—

(1) IN GENERAL.—Before exercising any authority described in section 1285(a)(1) or 1285(b), the President shall submit to Congress a notice of intent to exercise such authority that includes a description of—

(A) the circumstances that merit the exercise of such authority;

(B) the expected effects of the exercise of such authority on the economy of the United States and businesses, workers, farmers, and ranchers in the United States;

(C) the expected effects of the exercise of such authority on the foreign trading partner; and

(D) the expected effects of the exercise of such authority on the foreign adversary.

(2) CONGRESSIONAL REVIEW.—During the period of 45 calendar days beginning on the date on which the President submits a notice of intent under paragraph (1), the appropriate congressional committees should hold hearings and briefings and otherwise obtain information in order to fully review the proposed exercise of authority.

(3) JOINT RESOLUTION REQUIRED.—Notwithstanding any other provision of law, during the period for congressional review described in paragraph (2), the President may not take the proposed exercise of authority unless a joint resolution of approval with respect to that exercise of authority is enacted.

SA 6370. 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 XII, add the following:

SEC. 1226. MODIFICATION OF CAESAR SYRIA CIVILIAN PROTECTION ACT OF 2019.

Section 7412 of the Caesar Syria Civilian Protection Act of 2019 (title LXXIV of Public Law 116–92; 22 U.S.C. 8791 note) is amended—

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

''(4) SIGNIFICANT TRANSACTION DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'significant transaction' includes any natural gas, electricity, or other energy-related transaction or transactions that provides material support to or otherwise may benefit by the Government of Syria.

''(B) APPLICABILITY.—Subparagraph (A) applies notwithstanding any license or regulation issued pursuant to section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).''; and

(2) by adding at the end the following:

''(c) CONGRESSIONAL REQUESTS.—Not later than 30 days after receiving a request from the chairman or ranking member of one of the appropriate congressional committees with respect to whether a foreign person meets the criteria for the imposition of sanctions under subsection (a) the President shall—

''(1) determine if the person meets such criteria; and

''(2) submit a classified or unclassified report to the chairman or ranking member who submitted the request with respect to that determination that includes a statement of whether or not the President imposed or intends to impose sanctions with respect to the person.''.

SA 6371. 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:

Beginning on page 633, strike line 11 and all that follows through page 634, line 4, and insert the following:

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

(1) United States counterterrorism cooperation with Saudi Arabia or the United Arab Emirates against al-Qaeda, the Islamic State of Iraq and Syria, or associated forces;

(2) the United States Armed Forces from protecting members of the United States Armed Forces and United States persons and interests in the region against hostile action by Iran or groups backed by Iran;

(3) support intended to assist Saudi Arabia, the United Arab Emirates, or other members of the Saudi-led coalition in defending against threats emanating from Yemen to

their sovereignty or territorial integrity, the sovereignty or territorial integrity of any other United States partner or ally, or the safety of United States persons or property, including—

(A) threats from ballistic missiles, cruise missiles, or unmanned aerial vehicles; and

(B) explosive boat threats to international maritime traffic;

(4) the provision of humanitarian assistance; or

(5) the preservation of freedom of navigation.

SA 6372. Mr. GRASSLEY (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:

At the appropriate place, insert the following:

SEC. _____. APPEALS TO MERIT SYSTEMS PROTECTION BOARD RELATING TO FBI REPRISAL ALLEGATIONS.

Section 2303 of title 5, United States Code, is amended by adding at the end the following:

''(d)(1) An employee of the Federal Bureau of Investigation who makes an allegation of a reprisal under regulations prescribed under this section may appeal a final determination or corrective action order under those regulations to the Merit Systems Protection Board pursuant to section 1221.

''(2) If no final determination or corrective action order has been made or issued for an allegation described in paragraph (1) before the expiration of the 180-day period beginning on the date on which the allegation is received, pursuant to the regulations prescribed under this section, the employee described in that paragraph may seek corrective action directly from the Merit Systems Protection Board pursuant to section 1221.''.

SA 6373. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Improvement of Health Care for Veterans With Chronic Conditions

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''Improving Whole Health for Veterans with Chronic Conditions Act''.

SEC. 1082. EXPANSION OF DENTAL CARE FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE VETERANS DIAGNOSED WITH DIABETES AND HEART DISEASE.

(a) EXPANSION OF CARE.—

(1) IN GENERAL.—Subsection (a)(1) of section 1712 of title 38, United States Code, is amended—

(A) in subparagraph (B)—

(i) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively, and moving those subclauses, as so redesignated, two ems to the right; and

(ii) in subclause (III), as redesignated by clause (i)—

(I) by striking ''(I)'' and inserting ''(aa)''; and

(II) by striking ''(II)'' and inserting ''(bb)'';

(B) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii), respectively, and moving those clauses, as so redesignated, two ems to the right;

(C) in the matter preceding clause (i), as redesignated by subparagraph (B), by striking ''only for a dental condition or disability'' and inserting ''only—

''(A) for a dental condition or disability'';

(D) in clause (viii), as redesignated by subparagraph (B), by striking the period at the end and inserting ''or''; and

(E) by adding at the end the following new subparagraph (B):

''(B) to any veteran enrolled in the system of annual patient enrollment under section 1705 of this title with a diagnosis of—

''(i) type 1 or type 2 diabetes; or

''(ii) ischemic heart disease.''.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Such section is further amended—

(i) in subsection (a)(2), by striking ''clause (B) of paragraph (1) of this subsection'' and inserting ''clause (ii) of paragraph (1)(A)''; and

(ii) in subsection (b), by striking ''paragraph (1)(B) of subsection (a)'' and inserting ''subsection (a)(1)(A)(ii)''.

(B) MEDICAL CARE.—Section 1710(c) of such title is amended by striking ''section 1712(a)'' and inserting ''section 1712(a)(1)(A)''.

(C) DENTAL CARE FOR HOMELESS VETERANS.—Section 2062(a) of such title is amended, in the matter preceding paragraph (1), by striking ''section 1712(a)(1)(H)'' and inserting ''section 1712(a)(1)(A)(viii)''.

(b) ADMINISTRATION OF EXPANSION.—

(1) VOLUNTARY PARTICIPATION.—The receipt by a covered veteran of covered care shall be at the election of the veteran.

(2) SCOPE OF SERVICES.—The covered care furnished to a covered veteran shall be consistent with the dental services and treatment, and related dental appliances, furnished by the Secretary of Veterans Affairs to veterans with service-connected disabilities rated 100 percent disabling under the laws administered by the Secretary.

(3) CONSIDERATIONS.—In furnishing covered care to covered veterans, the Secretary shall test the efficacy of the use of the following:

(A) Mobile dental clinics to service rural areas that do not have a population base to warrant a full-time clinic but where there are covered veterans in need of dental care.

(B) Portable dental care units to service rural veterans in their homes, as the Secretary considers medically appropriate.

(C) Dental therapists and teledentistry to service the dental care needs of covered veterans.

(4) NOTICE TO COVERED VETERANS.—The Secretary shall inform all covered veterans of the covered care available to such veterans.

(5) CONTRACTS.—

(A) IN GENERAL.—Subject to subparagraph (C), the Secretary may enter into contracts with appropriate entities for the provision of covered care to covered veterans.

(B) PERFORMANCE STANDARDS AND METRICS.—Each contract entered into under subparagraph (A) shall specify performance standards and metrics and processes for ensuring compliance of the contractor concerned with such performance standards.

(C) LIMITATION.—The Secretary may only enter into contracts under subparagraph (A) if the Secretary determines that the Department of Veterans Affairs does not employ, and cannot recruit and retain, qualified dentists, dental hygienists, and oral surgeons in the applicable location.

(c) REPORT.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, 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 expansion of the provision of dental care pursuant to subsection (a).

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

(A) A description of the implementation and operation of the expansion of the provision of dental care pursuant to subsection (a).

(B) The number of covered veterans receiving dental care pursuant to such expansion and a description of the dental care furnished to such veterans.

(C) An analysis of the costs and benefits of such expansion, including a comparison of costs and benefits by location type.

(D) An assessment of the impact of such expansion on the health of covered veterans, including—

(i) an assessment of the veterans' diabetes or ischemic heart disease;

(ii) an assessment of appointments for care, prescriptions, hospitalizations, emergency room visits, wellness, employability, and satisfaction of such veterans; and

(iii) an assessment of the perceived quality of life of such veterans.

(E) An analysis and assessment of the efficacy of mobile clinics and home-based dental care to service the dental needs of covered veterans, to include a cost-benefit analysis of such services.

(F) An analysis and assessment of the efficacy of dental therapists and teledentistry to service the dental needs of covered veterans, to include a cost benefit analysis of such services.

(G) The findings and conclusions of the Secretary with respect to health care outcomes for covered veterans.

(H) A comparison of the costs for private sector dental care with cost of furnishing dental care from the Department, broken down by each locality.

(I) Such recommendations for the expansion of dental care to non-covered veterans with diagnoses that may be affected by poor oral health.

(d) DEFINITIONS.—In this section:

(1) COVERED CARE.—The term ''covered care'' means outpatient dental services and treatment, and related dental appliances, furnished pursuant to section 1712(a)(1)(B) of title 38, United States Code, as amended by subsection (a)(1)(E).

(2) COVERED VETERAN.—The term ''covered veteran'' means a veteran described in section 1712(a)(1)(B) of title 38, United States Code, as amended by subsection (a)(1)(E).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 1083. STUDENT LOAN REPAYMENT PROGRAM TO INCENTIVIZE DENTAL TRAINING AND ENSURE THE DENTAL WORKFORCE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PROGRAM REQUIRED.—The Secretary of Veterans Affairs, to ensure that the Department of Veterans Affairs has sufficient staff to provide dental service to veterans, shall implement a loan reimbursement program for qualified dentists, dental therapists, dental hygienists, and oral surgeons who agree—

(1) to be appointed by the Secretary as a dentist, dental therapist, dental hygienist,

or oral surgeon, as the case may be, under section 7401 of title 38, United States Code; and

(2) to serve as a dentist, dental therapist, dental hygienist, or oral surgeon, as the case may be, of the Department pursuant to such appointment at a dental clinic of the Department for a period of not less than five years.

(b) MAXIMUM AMOUNT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may reimburse not more than—

(A) $75,000 for each dentist participating in the program under subsection (a);

(B) $20,000 for each dental therapist participating in such program;

(C) $10,000 for each dental hygienist participating in such program; and

(D) $20,000 for each credentialed doctor of medicine in dentistry serving as an oral surgeon and participating in such program.

(2) DUAL ELIGIBILITY.—The Secretary may reimburse an individual serving in multiple positions described in subparagraphs (A) through (D) of paragraph (1) not more than $95,000.

(c) SELECTION OF LOCATIONS.—The Secretary shall monitor demand among veterans for dental care and require participants in the program under subsection (a) to choose from dental clinics of the Department with the greatest need for dentists, dental therapists, dental hygienists, or oral surgeons, as the case may be, according to facility enrollment and patient demand.

SEC. 1084. EDUCATIONAL AND TRAINING PARTNERSHIPS FOR DENTISTS, DENTAL THERAPISTS, DENTAL HYGIENISTS, AND ORAL SURGEONS.

The Secretary of Veterans Affairs shall enter into educational and training partnerships with dental schools to provide training and employment opportunities for dentists, dental therapists, dental hygienists, and oral surgeons.

SEC. 1085. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2023 such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle.

SA 6374. Mr. WHITEHOUSE (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. 2. MANUFACTURING SKILLS RETENTION PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Retain Innovation and Manufacturing Excellence Act of 2022'' or the ''RIME Act of 2022''.

(b) DEFINITIONS.—In this section:

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

(2) ELIGIBLE MANUFACTURER.—The term ''eligible manufacturer'' means a manufacturer that—

(A) is a small business concern, as that term is defined under section 3 of the Small Business Act (15 U.S.C. 632); and

(B) has an existing relationship with a Center.

(3) MANUFACTURING EXTENSION PARTNERSHIP.—The term ''Manufacturing Extension Partnership'' means the Hollings Manufacturing Extension Partnership, as that term is defined under section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).

(c) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Commerce shall establish a program to award Manufacturing Extension Partnership grants to help ensure an adequately trained manufacturing workforce.

(2) GRANTS.—Under the program established pursuant to paragraph (1), the Secretary may award Manufacturing Extension Partnership grants to eligible Centers for the eligible Centers to provide assistance to eligible manufacturers in workforce programs that assist in recruiting talent and retaining employees to ensure continuity of critical positions including retaining retiring employees for up to 180 days for the purpose of transferring job-specific skills and training to existing or new employees.

(3) DURATION OF ENGAGEMENTS.—The duration of each engagement under the program established pursuant to paragraph (1) shall be determined through negotiations between eligible Centers and eligible manufacturers.

(d) ELIGIBLE CENTERS.—For purposes of the program established pursuant to subsection (c)(1), an eligible Center is a Center that meets the following criteria:

(1) The Center is able to document evidence of an aging workforce within manufacturing entities that are seeking assistance with retaining skills and knowledge of their operations.

(2) The Center establishes a transparent application process for eligible manufacturers to receive assistance described in subsection (c)(2) that may include one or more of the following preferences:

(A) A preference for eligible manufacturers that employ veterans discharged or released under honorable conditions.

(B) A preference for eligible manufacturers from industry sectors that are most in need of assistance as determined by the Center.

(C) A preference for eligible manufacturers with a facility in the State or region for an extended period of time before the application is submitted (as determined by the Center).

(D) A preference for eligible manufacturers that have an existing relationship with the Center.

(E) A preference for eligible manufacturers seeking to increase employment from underserved or at-risk populations.

(3) The Center is able to demonstrate the ability to assess, advise, and train manufacturers on how to transfer job-specific skills and training through the implementation of a training structure and train-the-trainer program focused on knowledge capture and transfer.

(e) CONSIDERATION.—In awarding Manufacturing Extension Partnership grants under the program established pursuant to subsection (c)(1), the Secretary shall give consideration to the use of funds by eligible Centers to assist eligible manufacturers that are experiencing employee turnover with the need to transfer required job-specific skills and training to new employees.

(f) COST SHARING.—To be eligible for a Manufacturing Extension Partnership grant under the program established pursuant to subsection (c)(1), an eligible Center shall demonstrate that 50 percent of the amount of the grant is matched from non-Federal sources, which may include cash or in-kind contributions from appropriate—

(1) State and local agencies engaged in workforce development or manufacturing;

(2) universities or community colleges;

(3) foundations engaged in workforce development; or

(4) employers that would stand to directly benefit from the grant received by the eligible Center.

(g) NUMBER AND SIZE OF AWARDS.—

(1) NUMBER.—Under the program established pursuant to subsection (c)(1), the Secretary may award up to 51 Manufacturing Extension Partnership grants to eligible Centers each fiscal year.

(2) SIZE.—Each Manufacturing Extension Partnership grant awarded to an eligible Center under the program established pursuant to subsection (c)(1) shall be for not less than $50,000 and not more than $500,000.

(h) REGIONAL APPROACH FOR CERTAIN STATES.—Given the varied structures of different Centers, in order to implement the program required by subsection (c)(1) in certain jurisdictions, the Secretary may, in consultation with any relevant local Center, elect to implement a regional approach to awarding certain grants to eligible Centers pursuant to this section.

(i) ADMINISTRATIVE EXPENSES.—An eligible Center receiving a Manufacturing Extension Partnership grant under the program required by subsection (c)(1) may use up to 5 percent of the amount of the grant for the administration of expenses incurred by the Center under the program.

(j) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise available for such purposes, there is authorized to be appropriated to the National Institute of Standards and Technology $20,000,000 each fiscal year to carry out the program under this section.

SA 6375. 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 B of title XXVIII, add the following:

SEC. 2825. PRIVATIZATION OF NAVY AND AIR FORCE TRANSIENT HOUSING.

(a) PRIVATIZATION REQUIRED.—Not later than ten years after the date of the enactment of this Act, the Secretary concerned shall privatize all transient housing in the United States under the jurisdiction of the Secretary concerned through the conveyance of the transient housing to one or more eligible entities.

(b) APPLICABLE PRIVATIZATION LAWS.—The Secretary concerned shall carry out this section using the authority provided by section 2872 of title 10, United States Code, consistent with subchapters IV and V of chapter 169 of such title.

(c) LIMITATIONS.—No direct loan, guarantee, or equity from the United States Government may be extended in consideration of any privatization carried out under subsection (a).

(d) CONSULTATION WITH SECRETARY OF THE ARMY.—In establishing a plan to carry out the privatization of transient housing under subsection (a), the Secretary concerned shall—

(1) consult with the Secretary of the Army; and

(2) to the greatest extent possible, incorporate into such plan the best practices and efficiencies of the Secretary of the Army in carrying out the privatization of transient housing under the jurisdiction of the Secretary of the Army.

(e) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, and annually thereafter until the privatization required under subsection (a) is complete, the Secretary concerned shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes—

(1) detailed plans for the privatization of all transient housing under the jurisdiction of the Secretary concerned; and

(2) timelines for conveyances and other critical milestones.

(f) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' has the meaning given that term in section 2871 of title 10, United States Code.

(2) The term ''transient housing'' means lodging intended to be occupied by members of the Armed Forces on temporary duty.

(3) The term ''Secretary concerned'' means—

(A) the Secretary of the Navy, with respect to transient housing under the jurisdiction of the Secretary of the Navy; and

(B) the Secretary of the Air Force, with respect to transient housing under the jurisdiction of the Secretary of the Air Force.

SA 6376. Mr. LUJÁN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of 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 528, strike lines 4 through 6 and insert the following:

obligations;

(G) what, if any, remedial training is required;

(H) the demographics of scholarship recipients; and

(I) the geographic distribution of scholarship recipients.

SA 6377. Mr. WHITEHOUSE (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 appropriate place, insert the following:

SEC. ____. ANTI-MONEY LAUNDERING SAFEGUARDS REGARDING GATEKEEPERS.

(a) SHORT TITLE.—This section may be cited as the ''Establishing New Authorities for Business Laundering and Enabling Risks to Security Act of 2022'' or the ''ENABLERS Act of 2022''.

(b) FINDINGS.—Congress finds the following:

(1) Kleptocrats and other corrupt actors across the world are increasingly relying on non-bank professional service providers, including those operating in the United States, to move, hide, and grow their ill-gotten gains.

(2) In 2003, the Financial Action Task Force (referred to in this subsection as the ''FATF''), an intergovernmental body formed by the United States and other major industrial nations, determined that designated non-financial businesses and professions should be subject to the same anti-money laundering and counter-terrorist financing rules and regulations as financial institutions, including the requirement to know your customer or client and to perform due diligence, as well as to file suspicious transaction reports, referred to as suspicious activity reports or ''SARs'' in the United States.

(3) In 2016, an FATF evaluation of the United States rated the United States as noncompliant with 4 of the 40 recommendations of the FATF regarding combating money laundering and the financing of terrorism and proliferation. Of the 4 noncompliant ratings described in the preceding sentence, 3 of those ratings pertained to designated non-financial businesses and professions, including lawyers, accountants, and trust and company service providers, and the fourth such rating pertained to transparency and the beneficial ownership of legal entities. The United States also received the lowest mark from the FATF for the effectiveness of the United States in combating the misuse of legal entities. The FATF evaluation listed, as a priority action, applying appropriate anti-money laundering and countering the financing of terrorism obligations ''to lawyers, accountants, trust and company service providers (other than trust companies which are already covered)'' to improve the anti-money laundering and counter-terrorist financing regime in the United States.

(4) In line with the procedures of the FATF, members of the FATF are expected to address deficiencies in the regimes of those members not later than 3 years after adopting their mutual evaluation. In March 2020, the FATF published the ''3rd Enhanced Follow-up Report & Technical Compliance Re-Rating'' with respect to the United States, which continued to score the United States noncompliant with respect to the 4 recommendations described in paragraph (3).

(5) On January 1, 2021, the United States took steps to address the non-compliant rating of the United States with respect to the beneficial ownership of legal entities through the enactment of the Corporate Transparency Act (title LXIV of Public Law 116–283), but, as of the date of enactment of this Act, Congress has yet to address the non-compliant rating of the United States with respect to designated non-financial businesses and professions.

(6) In October 2021, the ''Pandora Papers'', the largest exposé of global financial data in history, revealed to a global audience how the United States plays host to a highly specialized group of ''enablers'' that help the world's elite move, hide, and grow their money.

(7) The Pandora Papers described how an adviser to the former Prime Minister of Malaysia reportedly used affiliates of a United States law firm to assemble and consult a network of companies, despite the adviser fitting the ''textbook definition'' of a high-risk client. The adviser went on to use his companies to help steal $4,500,000,000 from Malaysia's public investment fund in one of ''the world's biggest-ever financial frauds'', known as 1MDB.

(8) Russian oligarchs have used gatekeepers to move their money into the United States. For example, a gatekeeper formed a company in Delaware that reportedly owns a $15,000,000 mansion in Washington, D.C., that is linked to one of Vladimir Putin's closest allies. Also reportedly connected to the oligarch is a $14,000,000 townhouse in New York City owned by a separate Delaware company.

(9) On May 8, 2022, the Office of Foreign Assets Control of the Department of the Treasury (referred to in this subsection as ''OFAC''), pursuant to Executive Order 14071 (87 Fed. Reg. 20999; relating to prohibiting new investment in and certain services to the Russian Federation in response to continued Russian Federation aggression), prohibited ''the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of accounting, trust and corporate formation, or management consulting services to any person located in the Russian Federation.''.

(10) On June 30, 2022, OFAC blocked a trust holding more than $1,000,000,000 linked to designated Russian oligarch Suleiman Kerimov. These efforts revealed that Kerimov used a complex series of legal structures and front persons to obscure his interest in Heritage Trust, the funds of which first entered the financial system of the United States through 2 foreign, Kerimov-controlled entities before the imposition of sanctions against him. The funds were subsequently invested in large public and private companies in the United States and managed by a series of investment firms and facilitators in the United States.

(11) The Pandora Papers uncovered more than 200 United States-based trusts across 15 States that held assets of more than $1,000,000,000, ''including nearly 30 trusts that held assets linked to people or companies accused of fraud, bribery, or human rights abuses''. In particular, South Dakota, Nevada, Delaware, Florida, Wyoming, and New Hampshire have emerged as global hotspots for those seeking to hide their assets and minimize their tax burdens.

(12) In 2016, an investigator with the nonprofit organization Global Witness posed as an adviser to a corrupt African official and set up meetings with 13 New York City law firms to discuss how to move suspect funds into the United States. Lawyers from all but 1 of the firms provided advice to the faux adviser, including advice on how to utilize anonymous companies to obscure the true owner of the assets. Other suggestions included naming the lawyer as a trustee of an offshore trust in order to open a bank account and using the law firm's escrow account to receive payments.

(13) The autocratic Prime Minister of Iraqi Kurdistan, reportedly known for torturing and killing journalists and critics, allegedly purchased a retail store valued at more than $18,000,000 in Miami, Florida, with the assistance of a Pennsylvania-based law firm.

(14) Teodoro Obiang, the Vice President of Equatorial Guinea and son of the country's authoritarian President, embezzled millions of dollars from his home country, which was then used to purchase luxury assets in the United States. Obiang relied on the assistance of 2 lawyers in the United States to move millions of dollars of suspect funds through United States banks. The lawyers incorporated 5 shell companies in California and opened bank accounts associated with the companies for Obiang's personal use. The suspect funds were first wired to the lawyers' attorney-client and firm accounts, then transferred to the accounts of the shell companies.

(15) A consulting company in the United States reportedly made millions of dollars working for companies owned or partly owned by Isabel dos Santos, the eldest child of a former President of Angola. This included working with Angola's state oil company when it was run by Isabel dos Santos and helping to ''run a failing jewelry business acquired with Angolan money''. In 2021, a Dutch tribunal found that Isabel dos Santos and her husband obtained a $500,000,000 stake in the oil company through ''grand corruption''.

(16) In December 2021, the United States Government issued a first-ever ''United States Strategy on Countering Corruption'', which includes ''Curbing Illicit Finance'' as a strategic pillar. An express line of effort to advance this strategic pillar states that: ''Deficiencies in the U.S. regulatory framework mean various professionals and service providers—including lawyers, accountants, trust and company service providers, incorporators, and others willing to be hired as registered agents or who act as nominees to open and move funds through bank accounts—are not required to understand the nature or source of income of their clients or prospective clients. . .While U.S. law enforcement has increased its focus on such facilitators, it is both difficult to prove 'intent and knowledge' that a facilitator was dealing with illicit funds or bad actors, or that they should have known the same. Cognizant of such constraints, the Administration will consider additional authorities to cover key gatekeepers, working with the Congress as necessary to secure additional authorities''.

(17) This section, and the amendments made by this section, provide the authorities needed to require that professional service providers that serve as key gatekeepers to the financial system of the United States adopt anti-money laundering procedures that can help detect and prevent the laundering of corrupt and other criminal funds into the United States. Absent such authorities, the United States Government will be unable to adequately protect the financial system of the United States, identify funds and assets that are the proceeds of corruption and other crimes, support foreign states in their efforts to combat corruption and promote good governance, or maintain the role of the United States as a leader in international bodies that are committed to combating money laundering and corruption.

(c) REQUIREMENTS FOR GATEKEEPERS.—

(1) IN GENERAL.—Section 5312(a)(2) of title 31, United States Code, as amended by section 6110(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended—

(A) by redesignating subparagraphs (Z) and (AA) as subparagraphs (AA) and (BB), respectively; and

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

''(Z) any person, excluding any governmental entity, employee, or agent, that provides to a third party—

''(i) a service described in section 5337(a)(2);

''(ii) corporate or other legal entity arrangement, association, or formation services;

''(iii) trust services;

''(iv) third party payment services; or

''(v) legal or accounting services that—

''(I) involve financial activities that facilitate a service described in any of clauses (i) through (iv); and

''(II) are not provided in exchange for direct compensation for civil or criminal defense matters;''.

(2) REQUIREMENTS FOR GATEKEEPERS.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

''§ 5337. Requirements for gatekeepers

''(a) IN GENERAL.—

''(1) IN GENERAL.—The Secretary of the Treasury (referred to in this section as the 'Secretary') shall, not later than 4 years after the date of enactment of this section, issue regulations to—

''(A) determine what persons fall within the class of persons acting as described in section 5312(a)(2)(Z); and

''(B) prescribe appropriate requirements under this subchapter for the persons described in subparagraph (A).

''(2) IDENTIFICATION OF PERSONS.—When determining what persons fall within the class of persons acting as described in section 5312(a)(2)(Z), the Secretary of the Treasury shall consider, on a risk basis—

''(A) any person involved in the provision of services to a third party regarding—

''(i) the formation or registration of a corporation, limited liability company, trust, foundation, limited liability partnership, partnership, or other similar entity;

''(ii) the acquisition or disposition of an interest in a corporation, limited liability company, trust, foundation, limited liability partnership, partnership, or other similar entity;

''(iii) the provision of a registered office, an address or accommodation, correspondence, or an administrative address for a corporation, limited liability company, trust, foundation, limited liability partnership, partnership, or other similar entity;

''(iv) managing, advising, or consulting with respect to money or other assets;

''(v) the processing of payments;

''(vi) the provision of cash vault services;

''(vii) the wiring of money;

''(viii) the exchange of foreign currency;

''(ix) the exchange of any digital currency, digital asset, or other value that substitutes for currency; or

''(x) the sourcing, pooling, organization, or management of capital in association with the formation, operation, or management of, or investment in, a corporation, limited liability company, trust, foundation, limited liability partnership, partnership, or other similar entity;

''(B) any person that, in connection with filing any return, directly or indirectly, on behalf of a foreign individual, trust, or fiduciary with respect to direct or indirect United States investment, transaction, trade or business, or similar activities—

''(i) obtains or uses a preparer tax identification number; or

''(ii) would be required to use or obtain a preparer tax identification number, if that person were compensated for services rendered;

''(C) any person providing a service to a third party by acting as, or arranging for another person to act as, a registered agent, trustee, director, secretary, nominee shareholder, partner of a company, partner of a partnership, or similar position with respect to a corporation, limited liability company, trust, foundation, limited liability partnership, or other similar activity; and

''(D) any service provider described in subparagraph (A), (B), or (C), wherever organized or doing business, that—

''(i) is owned or controlled by a person described in any such subparagraph;

''(ii) acts as an agent of a person described in any such subparagraph; or

''(iii) is an instrumentality of a person described in any such subparagraph.

''(3) SENSE OF CONGRESS.—It is the sense of Congress that, when issuing regulations under this subsection, the Secretary shall design those regulations to—

''(A) minimize the burden of those regulations and maximize the intended outcomes of those regulations, as determined by the Secretary; and

''(B) avoid applying additional requirements for persons that may fall within the class of persons described in section 5312(a)(2)(Z) but that are already, as determined by the Secretary, appropriately regulated under this subchapter.

''(b) ENFORCEMENT.—

''(1) RANDOM AUDITS.—Not later than 1 year after the date on which the Secretary issues the regulations required under subsection (a), and on an ongoing basis thereafter, the Secretary shall conduct random audits of persons that fall within the class of persons described in section 5312(a)(2)(Z), including persons described in subsection (a)(2), in a manner that the Secretary determines appropriate, to assess compliance with the requirements of this section.

''(2) REPORTS.—The Secretary shall, not later than 180 days after the conclusion of any calendar year that begins after the date that is 1 year after the date on which the Secretary issues regulations pursuant to subsection (a), 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—

''(A) describes the results of any random audits conducted pursuant to paragraph (1) during such calendar year; and

''(B) includes recommendations for improving the effectiveness of the requirements imposed under this section on persons described in section 5312(a)(2)(Z), including persons described in subsection (a)(2).''.

(3) CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5336 the following:

''5337. Requirements for gatekeepers.''.

(4) USE OF TECHNOLOGY TO INCREASE EFFICIENCY AND ACCURACY OF INFORMATION.—The Secretary of the Treasury shall promote—

(A) the integrity of information collected under this section and the amendments made by this section; and

(B) if applicable, the timely and efficient collection of information by persons described in section 5312(a)(2)(Z) of title 31, United States Code, as so redesignated by this subsection, including persons described in subsection (a)(2) of section 5337 of that title, as added by this subsection, by exploring the use of technologies to—

(i) effectuate the collection, standardization, transmission, and sharing of information that the Secretary may require under such section 5337; and

(ii) minimize the burdens associated with the collection, standardization, transmission, and sharing of information that the Secretary may require under such section 5337.

(5) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall take effect on the effective date of the regulations issued by the Secretary of the Treasury pursuant to section 5337(a) of title 31, United States Code, as added by this subsection.

(d) GATEKEEPERS STRATEGY.—Section 262 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (title II of Public Law 115–44) is amended by adding at the end the following:

''(11) GATEKEEPER STRATEGY.—

''(A) IN GENERAL.—A description of efforts to impose sufficient anti-money laundering safeguards on designated non-financial businesses and professions, as that term is defined by the Financial Action Task Force.

''(B) UPDATE.—If, as of the date of enactment of this paragraph, the updates to the national strategy required under section 261 have been submitted to appropriate congressional committees, the President, acting through the Secretary of the Treasury, shall, not later than 1 year after that date of enactment, submit to the appropriate congressional committees an additional update to the national strategy with respect to the addition of this paragraph.''.

(e) AGENCY COORDINATION AND COLLABORATION.—The Secretary of the Treasury shall, to the greatest extent practicable—

(1) establish relationships with State, local, territorial, and Tribal governmental agencies; and

(2) work collaboratively with the governmental agencies described in paragraph (1) to implement and enforce the regulations prescribed under this section, and the amendments made by this section, by—

(A) using the Domestic Liaisons appointed under section 310(f) of title 31, United States Code, to share information regarding changes effectuated by this section and the amendments made by this section;

(B) using the Domestic Liaisons appointed under section 310(f) of title 31, United States Code, to advise on necessary revisions to State, local, territorial, and Tribal standards with respect to relevant professional licensure;

(C) engaging with various persons described in section 5312(a)(2)(Z) of title 31, United States Code, as so redesignated by subsection (c) (including persons described in section 5337(a)(2) of that title, as added by subsection (c)), as appropriate, including with respect to information sharing and data sharing; and

(D) working with State, local, territorial, and Tribal governmental agencies to levy professional sanctions on persons that facilitate corruption, money laundering, the financing of terrorist activities, and other related crimes.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury 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—

(1) describes any findings of the Secretary with respect to technologies that may effectuate the collection, standardization, transmission, and sharing of information that the Secretary may require under section 5337 of title 31, United States Code, as added by subsection (c); and

(2) makes recommendations for implementing the technologies described in paragraph (1).

(g) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the Secretary of the Treasury, without fiscal year limitation, such sums as may be necessary, to remain available until expended, exclusively for the purpose of carrying out this section and the amendments made by this section, including for—

(1) the appointment of personnel;

(2) the exploration and adoption of information technology to effectively support enforcement activities or activities described in subsection (c) and the amendments made by that subsection;

(3) audit, investigatory, and review activities, including those described in subsection (c) and the amendments made by that subsection;

(4) agency coordination and collaboration efforts and activities described in subsection (e);

(5) voluntary compliance programs;

(6) compiling the reports required under—

(A) subsection (c);

(B) the amendments made by subsection (c); and

(C) subsection (f); and

(7) allocating amounts to State, local, territorial, and Tribal jurisdictions to pay reasonable costs relating to compliance with, or enforcement of, the requirements of this section and the amendments made by this section.

(h) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, may be construed to be limited or impeded by any obligations under State, local, territorial, or Tribal laws or rules concerning privilege, ethics, confidentiality, privacy, or related matters.

SA 6378. Ms. LUMMIS (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 F of title X, add the following:

SEC. 1064. DIVERSION DAM AND PIPELINE, MISSISSIPPI RIVER AND COLUMBIA RIVER.

Notwithstanding section 715(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2265(a)), the Secretary of the Army, acting through the Assistant Secretary for Civil Works, and the Secretary of the Interior, acting through the Commissioner of Reclamation, shall carry out a technological and feasibility study on the transfer of water to the Colorado River Basin from—

(1) the Columbia River Basin; and

(2) the Mississippi River Basin, to prevent flood damage along the Mississippi River and its tributaries.

SA 6379. Mr. RISCH (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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—Additional Measures in Response to Invasion of Ukraine by the Russian Federation

SEC. 1280. SHORT TITLE.

This subtitle may be cited as the ''Russian Elites, Proxies, and Oligarchs Act of 2022'' or the ''REPO Act of 2022''.

PART I—CONFISCATION AND REPURPOSING OF RUSSIAN ASSETS

SEC. 1281. FINDINGS; SENSE OF CONGRESS.

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

(1) On February 24, 2022, the Government of the Russian Federation violated the sovereignty and territorial integrity of Ukraine by again engaging in a premeditated and illegal invasion of Ukraine.

(2) The international community has condemned the illegal invasion of Ukraine by the Russian Federation, as well as the commission of war crimes by the Russian Federation, including through the deliberate targeting of civilians and civilian infrastructure and the commission of sexual violence.

(3) The leaders of the Group of Seven (G7) have called the Russian Federation's ''unprovoked and completely unjustified attack on the democratic state of Ukraine'' a ''serious violation of international law and a grave breach of the United Nations Charter and all commitments Russia entered in the Helsinki Final Act and the Charter of Paris and its commitments in the Budapest Memorandum''.

(4) The United Nations General Assembly adopted a resolution, by a vote of 141 to 5, that demanded that the Russian Federation ''immediately cease its use of force against Ukraine and immediately, completely, and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders''.

(5) On March 16, 2022, the International Court of Justice issued provisional measures ordering the Russian Federation to ''immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine''.

(6) Under international law, a country that is responsible for an internationally wrongful act is under an obligation to make restitution by reestablishing the situation that existed before the wrongful act was committed. The Russian Federation bears such responsibility to provide restitution to Ukraine.

(7) As of April 21, 2022, the World Bank estimated that the invasion of Ukraine by the Russian Federation had led to at least $60,000,000,000 in damage to the physical infrastructure of Ukraine.

(8) According the President of Ukraine, Volodymyr Zelenskyy, as of May 3, 2022, it could cost an estimated $600,000,000,000 to rebuild Ukraine as a result of the illegal invasion by the Russian Federation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the extreme illegal actions taken by the Russian Federation present a unique situation, justifying the establishment of a legal authority. In this case, that authority is the authority of the United States Government or other countries to confiscate sovereign assets of the Russian Federation for the purpose of assisting Ukraine.

SEC. 1282. SENSE OF CONGRESS REGARDING IMPORTANCE OF THE RUSSIAN FEDERATION PROVIDING DUE REPARATIONS TO UKRAINE.

It is the sense of Congress that—

(1) the Russian Federation bears responsibility for the financial burden of the reconstruction of Ukraine and for countless other costs associated with the illegal invasion of Ukraine by the Russian Federation that began on February 24, 2022;

(2) the full cost of the Russian Federation's unlawful war against Ukraine and the amount of money the Russian Federation must pay Ukraine should be assessed by a bona fide independent, international arbitral body or claims commission;

(3) the Russian Federation should participate in any international process to assess the full cost of the Russian Federation's unlawful war on Ukraine, and if it fails to do so, the United States should explore other avenues for providing reparations to Ukraine, including confiscation and repurposing of frozen assets;

(4) the Secretary of State should lead robust engagement on all bilateral and multilateral aspects of the United States response to the efforts of the Russian Federation to undermine the sovereignty and territorial integrity of Ukraine, including on any policy coordination and alignment regarding the disposition of sovereign assets of the Russian Federation in the context of restitution;

(5) the confiscation and repurposing of sovereign assets of the Russian Federation by the United States is in the vital national security interests of the United States and consistent with United States and international law; and

(6) the United States should work with international allies and partners on the confiscation and repurposing of sovereign assets of the Russian Federation as part of a coordinated, multilateral effort, including with G7 countries and other countries in which assets of the Central Bank of the Russian Federation are located.

SEC. 1283. AUTHORITY TO PROVIDE ADDITIONAL ASSISTANCE TO UKRAINE USING ASSETS CONFISCATED FROM THE CENTRAL BANK OF THE RUSSIAN FEDERATION AND OTHER SOVEREIGN ASSETS OF THE RUSSIAN FEDERATION.

(a) REPORTING ON RUSSIAN CENTRAL BANK ASSETS.—

(1) NOTICE REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President shall, by means of such instructions or regulations as the President may prescribe, require any United States financial institution at which assets of the Central Bank of the Russian Federation are located, and that knows or should know of such assets, to provide notice of such assets, including relevant information required under section 501.603(b)(ii) of title 31, Code of Federal Regulations, to the Secretary of the Treasury not later than 10 days after detection of such assets.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 3 years, the President shall submit to the appropriate congressional committees a report detailing the status of property and interests in property of the Central Bank of the Russian Federation subject to the jurisdiction of the United States.

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

(b) CONFISCATION.—

(1) IN GENERAL.—The President may confiscate any of the following funds and other property subject to the jurisdiction of the United States:

(A) Funds and other property of—

(i) the Central Bank of the Russian Federation; and

(ii) the Russian Direct Investment Fund.

(B) Any sovereign funds of the Russian Federation held in a financial institution that is—

(i) owned or controlled by the Government of the Russian Federation; and

(ii) on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(2) LIQUIDATION AND DEPOSIT.—The President shall—

(A) deposit any funds confiscated under paragraph (1) into the Ukraine Support Fund established under subsection (c);

(B) liquidate or sell any other property confiscated under paragraph (1) and deposit the funds resulting from such liquidation or sale into the Ukraine Support Fund established under subsection (c); and

(C) make all such funds available for the purposes described in subsection (d).

(3) METHOD OF CONFISCATION.—The President shall confiscate funds and other property under paragraph (1) through instructions or licenses or in such other manner as the President determines appropriate.

(4) VESTING.—All right, title, and interest in funds and other property confiscated under paragraph (1) shall vest in the Government of the United States.

(5) NOTIFICATION REQUIREMENT.—The Secretary of State shall notify the appropriate congressional committees not later than 14 days after any confiscation of funds or other property under this subsection.

(c) ESTABLISHMENT OF THE UKRAINE SUPPORT FUND.—

(1) IN GENERAL.—The President shall establish a non-interest-bearing account, to be known as the ''Ukraine Support Fund'', to consist of the funds deposited into the account under subsection (b).

(2) USE OF FUNDS.—The funds in the account established under paragraph (1) shall be available to be used only as specified in subsection (d).

(d) USE OF CONFISCATED PROPERTY.—

(1) IN GENERAL.—Funds in the Ukraine Support Fund shall be available to the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, for the purpose of restoring Ukraine to its status before the unlawful invasion by the Russian Federation that began on February 24, 2022, including through provision of such funds to the Government of Ukraine for the following purposes:

(A) Reconstruction and rebuilding efforts in Ukraine.

(B) To provide humanitarian assistance to the people of Ukraine.

(C) To provide security assistance to Ukraine.

(D) For other purposes the Secretary determines directly and effectively support the recovery of Ukraine and the welfare of the people of Ukraine.

(2) NOTIFICATION.—

(A) IN GENERAL.—The Secretary of State shall notify the appropriate congressional committees not fewer than 15 days before providing any funds from the Ukraine Support Fund to the Government of Ukraine or to any other person for the purposes described in paragraph (1).

(B) ELEMENTS.—A notification under subparagraph (A) with respect to the provision of funds to the Government of Ukraine shall specify—

(i) the amount of funds to be provided;

(ii) the purpose for which such funds are provided; and

(iii) the recipient.

(e) DEPOSIT OF ADDITIONAL PROCEEDS OF OTHER SEIZED RUSSIAN ASSETS INTO UKRAINE SUPPORT FUND.—

(1) IN GENERAL.—In addition to the funds required to be deposited into the Ukraine Support Fund under subsection (b), the President may deposit into the Fund for use by the Secretary of State other funds that are the proceeds of the liquidation of sovereign assets of the Russian Federation or private assets seized from Russian persons in response to the premeditated and illegal invasion of Ukraine by the Russian Federation that began on February 24, 2022.

(2) NOTIFICATION.—The Secretary of State shall notify the appropriate congressional committees not fewer than 5 days after a deposit into the Ukraine Support Fund is made under subsection (a).

(f) JUDICIAL REVIEW.—

(1) IN GENERAL.—The confiscation of funds and other property under subsection (b)(1) shall not be subject to judicial review.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit any private individual or entity from asserting due process claims in United States courts.

(g) EXCEPTION FOR UNITED STATES OBLIGATIONS UNDER VIENNA CONVENTIONS.—The authorities provided by this section may not be exercised in a manner inconsistent with the obligations of the United States under—

(1) the Convention on Diplomatic Relations, done at Vienna April 18, 1961, and entered into force April 24, 1964 (23 UST 3227);

(2) the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force on March 19, 1967 (21 UST 77);

(3) the Agreement Regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947 (TIAS 1676); or

(4) any other relevant international agreement.

(h) SUNSET.—The authority to confiscate, liquidate, and transfer funds and other property under this section shall terminate on the earlier of—

(1) the date that is 5 years after the date of the enactment of this Act; or

(2) the date on which the President determines and certifies to the appropriate congressional committees that the Russian Federation is participating in a bona fide claims process that will result in the payment of all amounts determined to be owed to Ukraine.

SEC. 1284. REPORT ON USE OF CONFISCATED ASSETS FOR RECONSTRUCTION.

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that contains—

(1) the amount and source of funds or other property confiscated pursuant to subsection (b) of section 1283;

(2) the amount and source of funds or other property deposited into the Ukraine Support Fund under subsection (b) or (e) of that section; and

(3) a detailed description and accounting of how such funds were used to meet the purposes described in subsection (d) of that section.

SEC. 1285. ASSESSMENT BY SECRETARY OF STATE AND ADMINISTRATOR OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON RECONSTRUCTION AND REBUILDING NEEDS OF UKRAINE.

(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 Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees an assessment of the most pressing needs of Ukraine for reconstruction, rebuilding, security assistance, and humanitarian aid.

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

(1) An estimate of the rebuilding and reconstruction needs of Ukraine, as of the date of the assessment, resulting from the unlawful invasion of Ukraine by the Russian Federation, including—

(A) a description of the sources and methods for the estimate; and

(B) an identification of the locations or regions in Ukraine with the most pressing needs.

(2) An estimate of the humanitarian needs, as of the date of the assessment, of the people of Ukraine, including Ukrainians residing inside in the internationally recognized borders of Ukraine or outside those borders, resulting from the unlawful invasion of Ukraine by the Russian Federation.

(3) An assessment of the extent to which the needs described in paragraphs (1) and (2) have been met or funded, by any source, as of the date of the assessment.

(4) An identification of which such needs should be prioritized, including any assessment or request by the Government of Ukraine with respect to the prioritization of such needs.

SEC. 1286. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—The authorities and requirements under this title shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term ''good'' means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. 1287. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Z) of section 5312(a)(2) of title 31, United States Code.

(3) RUSSIAN PERSON.—The term ''Russian person'' means—

(A) an individual who is a citizen or national of the Russian Federation; or

(B) an entity organized under the laws of the Russian Federation.

(4) UNITED STATES FINANCIAL INSTITUTION.—The term ''United States financial institution'' means a financial institution organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an institution.

PART II—MULTILATERAL SANCTIONS COORDINATION

SEC. 1291. STATEMENT OF POLICY REGARDING COORDINATION OF MULTILATERAL SANCTIONS WITH RESPECT TO THE RUSSIAN FEDERATION.

(a) IN GENERAL.—In response to the Russian Federation's unprovoked and illegal invasion of Ukraine, it is the policy of the United States that—

(1) the United States, along with the European Union, the United Kingdom, and other willing allies and partners of the United States, should lead a coordinated international sanctions regime to freeze sovereign assets of the Russian Federation and assets of Russian oligarchs, with the aim of identifying Russian oligarchs who have assisted or facilitated the regime of Vladimir Putin or the Russian Federation's violation of Ukraine's sovereignty and territorial integrity;

(2) the head of the Office of Sanctions Coordination of the Department of State should engage in interagency and multilateral coordination with agencies of the European Union, the United Kingdom, and other allies and partners of the United States to ensure the ongoing implementation and enforcement of sanctions with respect to the Russian Federation in response to its invasion of Ukraine;

(3) the Secretary of State, in consultation with the Secretary of the Treasury, should, to the extent practical and consistent with relevant United States law, lead and coordinate with the European Union and the United Kingdom with respect to enforcement of sanctions imposed with respect to the Russian Federation;

(4) the United States should provide relevant technical assistance, implementation guidance, and support relating to enforcement and implementation of sanctions imposed with respect to the Russian Federation;

(5) where appropriate, the head of the Office of Sanctions Coordination, in coordination with the Bureau of Economic and Business Affairs and the Bureau of European and Eurasian Affairs of the Department of State and the Department of the Treasury, should seek private sector input regarding sanctions policy with respect to the Russian Federation and the implementation of and compliance with sanctions imposed with respect to the Russian Federation; and

(6) the Secretary of State, in coordination with the Secretary of the Treasury, should continue robust diplomatic engagement with allies and partners of the United States, including the United Kingdom and the European Union, to encourage such allies and partners to impose sanctions with respect to the Russian Federation.

(b) EXTENSION OF HIRING AUTHORITIES FOR OFFICE OF SANCTIONS COORDINATION.—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 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 3131)) as subsection (k); and

(2) in paragraph (4)(B) of subsection (k), as redesignated by paragraph (1), by striking ''the date that is two years after the date of the enactment of this subsection'' and inserting ''December 31, 2024''.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Office of Sanctions Coordination of the Department of State $15,000,000 for each of fiscal years 2023, 2024, and 2025 to carry out this section.

(2) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated by paragraph (1) shall supplement and not supplant other amounts authorized to be appropriated for the Office of Sanctions Coordination.

SEC. 1292. ASSESSMENT OF IMPACT OF UKRAINE-RELATED SANCTIONS ON THE ECONOMY OF THE RUSSIAN FEDERATION.

(a) REPORT AND BRIEFINGS.—At the times specified in subsection (b), the President shall submit a report and provide a briefing to the appropriate congressional committees on the impact on the economy of the Russian Federation of sanctions imposed by the United States and other countries with respect to the Russian Federation in response to the unlawful invasion of Ukraine by the Russian Federation.

(b) TIMING.—The President shall—

(1) submit a report and provide a briefing described in subsection (a) to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act; and

(2) submit to the appropriate congressional committees a report described in subsection (a) every 180 days thereafter until December 31, 2024.

(c) ELEMENTS.—Each report required by this section shall include—

(1) an assessment of—

(A) the impacts of the sanctions described in subsection (a), disaggregated by major economic sector, including the energy, aerospace and defense, shipping, banking, and financial sectors;

(B) the macroeconomic impact of those sanctions on Russian, European, and global economy market trends, including shifts in global markets as a result of those sanctions; and

(C) efforts by other countries or actors and offshore financial providers to facilitate sanctions evasion by the Russian Federation or take advantage of gaps in international markets resulting from the international sanctions regime in place with respect to the Russian Federation; and

(2) recommendations for further sanctions enforcement measures based on trends described in paragraph (1)(B).

SEC. 1293. INFORMATION ON VOTING PRACTICES IN THE UNITED NATIONS WITH RESPECT TO THE INVASION OF UKRAINE BY THE RUSSIAN FEDERATION.

Section 406(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a(b)), is amended—

(1) in paragraph (4), by striking ''Assembly on'' and all that follows through ''opposed by the United States'' and inserting the following: ''Assembly on—''

''(A) resolutions specifically related to Israel that are opposed by the United States; and

''(B) resolutions specifically related to the invasion of Ukraine by the Russian Federation.'';

(2) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by inserting after paragraph (5) the following:

''(6) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which member countries supported United States policy objectives in the Security Council and the General Assembly with respect to the invasion of Ukraine by the Russian Federation; and''.

SA 6380. Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. GRAHAM, Mr. LEAHY, Mr. BLUNT, 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. WAR CRIMES.

Section 2441 of title 18, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) JURISDICTION.—There is jurisdiction over an offense described in subsection (a) if—

''(1) the offense occurs in whole or in part within the United States; or

''(2) regardless of where the offense occurs—

''(A) the victim or offender is—

''(i) a national of the United States or an alien lawfully admitted for permanent residence; or

''(ii) a member of the Armed Forces of the United States, regardless of nationality; or

''(B) the offender is present in the United States, regardless of the nationality of the victim or offender.''; and

(2) by adding at the end the following:

''(e) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—In the case of an offense described in subsection (a) and further described in subsections (c)(1) and (c)(3), an indictment may be found or an information may be instituted at any time without limitation.

''(f) CERTIFICATION REQUIREMENT.—No prosecution for an offense described in subsection (a) shall be undertaken by the United

States except on written certification of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated, that a prosecution by the United States is in the public interest and necessary to secure substantial justice. For an offense for which jurisdiction exists under subsection (b)(2)(B), the same official shall weigh and consider whether the alleged offender can be removed from the United States for purposes of prosecution in another jurisdiction.''.

SA 6381. 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 G of title X, add the following:

SEC. 1077. TREATMENT OF ACTIONS UNDER PRESIDENTIAL DETERMINATION 2022–11 FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.

(a) IN GENERAL.—Except as provided by subsection (c), an action described in subsection (b) shall be—

(1) treated as a covered project, as defined in section 41001(6) of the Fixing America's Surface Transportation Act (42 U.S.C. 4370m(6)), without regard to the requirements of that section; and

(2) included in the Permitting Dashboard maintained pursuant to section 41003(b) of that Act (42 U.S.C. 4370m–2(b)).

(b) ACTIONS DESCRIBED.—An action described in this subsection is an action taken by the Secretary of Defense pursuant to Presidential Determination 2022–11 (87 Fed. Reg. 19775; relating to certain actions under section 303 of the Defense Production Act of 1950) to create, maintain, protect, expand, or restore sustainable and responsible domestic production capabilities for strategic and critical materials through—

(1) supporting feasibility studies for mature mining, beneficiation, and value-added processing projects;

(2) by-product and co-product production at existing mining, mine waste reclamation, and other industrial facilities;

(3) modernization of mining, beneficiation, and value-added processing to increase productivity, environmental sustainability, and workforce safety; or

(4) any other activity authorized under section 303(a)(1) of the Defense Production Act of 1950 (50 U.S.C. 4533(a)(1)).

(c) EXCEPTION.—An action described in subsection (b) may not be treated as a covered project or be included in the Permitting Dashboard under subsection (a) if the project sponsor (as defined in section 41001(18) of the Fixing America's Surface Transportation Act (42 U.S.C. 4370m(18))) requests that the action not be treated as a covered project.

SA 6382. 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 E of title III, add the following:

SEC. 372. REPORT ON FORMER INDIAN BOARDING SCHOOLS OR INSTITUTIONS UNDER THE JURISDICTION OR CONTROL OF THE DEPARTMENT OF DEFENSE.

(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 appropriate committees of Congress a report that provides—

(1) an accounting of all schools or institutions described in subsection (b) that—

(A) were located on land that was under the jurisdiction or control of the Department of Defense at the time of the operation of the school or institution; or

(B) were located on land that is under the jurisdiction or control of the Department as of the date of the enactment of this Act; and

(2) a description of the role of the Department of Defense in hosting and administering schools or institutions described in subsection (b) and the actions taken by the Department in connection with those schools or institutions, including—

(A) complete accountings, engagements, and actions;

(B) the identification of marked and unmarked burial grounds; and

(C) the repatriation of remains of Native students who died while attending a school or institution described in subsection (b); and

(3) the findings and recommendations of the Secretary with respect to the matters addressed under paragraphs (1) and (2).

(b) SCHOOLS OR INSTITUTIONS DESCRIBED.—The schools or institutions described in this subsection are schools or institutions that housed or administered Federal programs to assimilate American Indian, Alaska Native, or Native Hawaiian children that—

(1) provided on-site housing or overnight lodging;

(2) were described in records as providing formal academic or vocational training and instruction;

(3) were described in records as receiving Federal Government funds or other support; and

(4) were operational before 1969.

(c) CONSULTATION AND ENGAGEMENT.—In carrying out this section, the Secretary of Defense shall consult with Indian Tribes and engage with Native Hawaiian organizations.

(d) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall brief the appropriate committees of Congress on the report required under subsection (a)

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

(1) The Committee on Armed Services and the Committee on Indian Affairs of the Senate; and

(2) The Committee on Armed Services and the Subcommittee for Indigenous Peoples of the United States of the Committee on Natural Resources of the House of Representatives.

SA 6383. Mr. GRAHAM (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:

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

SEC. 1239. AMENDMENTS TO AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002 RELATED TO INVESTIGATIONS OF ATROCITY CRIMES IN UKRAINE.

Section 2004(h) of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7423(h)) is amended—

(1) by striking ''AGENTS.—No agent'' and inserting the following: ''AGENTS.—

''(1) IN GENERAL.—No agent''; and

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

''(2) EXCEPTION.—The prohibition under paragraph (1) shall not apply with respect to investigative activities that—

''(A) relate solely to investigations of foreign persons suspected of atrocity crimes in Ukraine; and

''(B) are undertaken in concurrence with the Attorney General.''.

SA 6384. 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 XII, add the following:

SEC. 1254. TRANSPARENCY IN OUTBOUND INVESTMENT IN NATIONAL CRITICAL TECHNOLOGIES.

The Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) is amended by adding at the end the following:

''TITLE VIII—OUTBOUND INVESTMENT IN NATIONAL CRITICAL TECHNOLOGIES

''SEC. 801. DEFINITIONS.

''In this title:

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

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

''(B) the Committee on Financial Services of the House of Representatives.

''(2) COUNTRY OF CONCERN.—The term 'country of concern' means the People's Republic of China.

''(3) COVERED FOREIGN ENTITY.—

''(A) IN GENERAL.—Subject to regulations prescribed by the President in accordance with section 806, and except as provided in subparagraph (B), the term 'covered foreign entity' means—

''(i) any entity that is incorporated in, has a principal place of business in, or is organized under the laws of, a country of concern;

''(ii) any entity the equity securities of which are primarily traded on one or more exchanges in a country of concern; or

''(iii) any entity in which any entity described in clause (i) or (ii), or a group of such

entities, holds, individually or in aggregate, directly or indirectly, an ownership interest of greater than 50 percent.

''(B) EXCEPTION.—The term 'covered foreign entity' shall not include any entity described in subparagraph (A)(ii) that can demonstrate that a majority of the equity interest in such entity is ultimately owned by nationals of the United States or individuals who are not nationals of a country of concern, as defined in regulations prescribed by the President.

''(4) COVERED INVESTMENT.—

''(A) IN GENERAL.—Subject to such regulations as may be prescribed by the President in accordance with section 806, and except as provided in subparagraph (C), the term 'covered investment' means any investment engaged in by a United States person on or after the effective date of such regulations—

''(i) that involves—

''(I) a direct acquisition of an equity interest or contingent equity interest in, or monetary capital contribution in, a covered foreign entity;

''(II) an arrangement for an interest in the short- or long-term debt obligations of a covered foreign entity that include government rights characteristic of an equity investment, management, or other important rights;

''(III) the establishment of a wholly owned subsidiary in a country of concern;

''(IV) the establishment of a joint venture in a country of concern or with a covered foreign entity; or

''(V) any deceptive or structured arrangement attempting to evade falling into a category described in any of subclauses (I) through (IV); and

''(ii) if—

''(I) the covered foreign entity the investment is in, or that is formed as a result of the investment, produces, designs, tests, manufactures, fabricates, or develops a national critical technology; and

''(II) as a result of the investment, the United States person imparts management or procedural know-how to the entity described in subclause (I) that would result in product improvement or technology development advances in such technology.

''(B) EXCEPTIONS.—The term 'covered investment' does not include—

''(i) any transaction for which the President determines the value is de minimis;

''(ii) any category of transactions that the President determines is in the national interest of the United States, as may be defined by the President through regulations;

''(iii) the acquisition by a United States person of a multinational corporation that is not headquartered in a country of concern but has subsidiaries or other assets located in a country of concern;

''(iv) basic research collaboration, including open source research;

''(v) sharing of publicly available know-how, including in standards organizations related to a country of concern; or

''(vi) any transaction that occurred before the effective date of regulations prescribed in accordance with section 806.

''(5) EXPORT ADMINISTRATION REGULATIONS.—The term 'Export Administration Regulations' has the meaning given that term in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

''(6) NATIONAL CRITICAL TECHNOLOGY.—The term 'national critical technology' means a technology that—

''(A) relates to semiconductors, artificial intelligence, or quantum computing; and

''(B) if the technology were produced in the United States, would be—

''(i)(I) included on the Commerce Control List maintained by the Bureau of Industry and Security and set forth in Supplement No. 1 to part 774 of the Export Administration Regulations; or

''(II) identified as an emerging and foundational technology pursuant to section 1758 of the Export Control Reform Act of 2018 (50 U.S.C. 4817); and

''(ii) subject to the requirement for a license under the Export Administration Regulations for a United States person to export the technology to a country of concern.

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

''(8) UNITED STATES PERSON.—The term 'United States person' means—

''(A) an individual who is a citizen or national of the United States or alien admitted for permanent residence in the United States; and

''(B) any corporation, partnership, or entity organized under the laws of the United States or the laws of any jurisdiction within the United States.

''SEC. 802. ADMINISTRATION OF INVESTMENT NOTIFICATION AUTHORITY.

''The President shall delegate the authorities and functions under this title to the Assistant Secretary of the Treasury for Investment Security.

''SEC. 803. MANDATORY NOTIFICATION OF COVERED INVESTMENTS.

''(a) MANDATORY NOTIFICATION.—

''(1) IN GENERAL.—Subject to regulations prescribed by the President in accordance with section 806, on and after the effective date of such regulations, a United States person that plans to engage in a covered investment shall submit to the President a complete written notification of the investment not later than 15 days after the date of the start of the covered investment.

''(2) INSPECTION OF NOTIFICATION.—The President shall—

''(A) upon receipt of a notification under paragraph (1), promptly inspect the notification for completeness; and

''(B) if the notification is incomplete, promptly inform the United States person that submits the notification that the notification is not complete and provide an explanation of relevant material respects in which the notification is not complete.

''(b) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any information or documentary material and any information or materials derived from such information or documentary materials filed with the President pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public.

''(2) EXCEPTIONS.—The exemption from disclosure provided by paragraph (1) shall not prevent the disclosure of the following:

''(A) Information relevant to any administrative or judicial action or proceeding.

''(B) Information to the chairman and ranking member of the appropriate congressional committees.

''(C) Information important to the national security analysis or actions of the President to any domestic governmental entity, or to any foreign governmental entity of a United States ally or partner, under the exclusive direction and authorization of the President, only to the extent necessary for national security purposes, and subject to appropriate confidentiality and classification requirements.

''(D) Information that the parties have consented to be disclosed to third parties.

''SEC. 804. ANNUAL REPORT.

''(a) IN GENERAL.—Not later than one year after the date on which the regulations required by section 806 take effect, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing, for the year preceding submission of the report, the notifications received under section 803(a).

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

''SEC. 805. PENALTIES AND ENFORCEMENT.

''(a) UNLAWFUL ACTS.—Subject to regulations prescribed by the President in accordance with section 806, the following shall be unlawful:

''(1) Failing to submit a notification under section 803(a) with respect to a covered investment.

''(2) Making a material misstatement or to omit a material fact in any information submitted to the President under this title.

''(b) CIVIL PENALTIES.—A civil penalty may be imposed on any person that commits an unlawful act described in subsection (a) in an amount not to exceed the greater of—

''(1) $250,000; or

''(2) an amount that is twice the amount of the covered investment that is the basis of the violation with respect to which the penalty is imposed.

''SEC. 806. REQUIREMENT FOR REGULATIONS.

''(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this title, the President shall finalize regulations to carry out this title.

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

''(1) shall include specific examples of the types of investments that will be considered to be covered investments;

''(2) shall establish a de minimis value for transactions that will not be considered to be covered investments under section 801(3)(B)(i); and

''(3) may include exceptions to the definition of 'national critical technology' for technologies the President determines do not pose a risk to the national security of the United States.

''(c) REQUIREMENTS FOR CERTAIN REGULATIONS.—The President shall prescribe regulations further defining the terms used in this title, including 'covered investment' and 'covered foreign entity'.

''SEC. 807. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title, including to provide outreach to industry and persons affected by this title.

''(b) HIRING AUTHORITY.—The Assistant Secretary of the Treasury for Investment Security may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service (as defined in section 2102 of that title). The primary responsibility of positions authorized under the preceding sentence shall be to administer this title.

''SEC. 808. EFFECTIVE DATE.

''The notification requirements and associated penalties provided for under this title shall take effect on the date on which all regulations have been prescribed to carry out this title in accordance with section 806.

''SEC. 809. EFFECT ON INVESTMENT, TRADE, AND OTHER LAWS.

''(a) RULES OF CONSTRUCTION.—Nothing in this title may be construed—

''(1) to restrain or deter foreign investment in the United States, United States investment abroad, or trade in goods or services, if such investment and trade do not pose a risk to the national security of the United States; or

''(2) to alter or affect the authorities or requirements under the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.).

''(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—The President may not use authorities under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to establish a mechanism for reviewing, screening, or prohibiting outbound investment other than the mechanism established by this title.''.

SA 6385. 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 G of title X, add the following:

SEC. 1077. MODIFICATION OF WAIVER AUTHORITY UNDER TITLE III OF DEFENSE PRODUCTION ACT OF 1950.

The Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) is amended—

(1) in section 301(d)(1)(B) (50 U.S.C. 4531(d)(1)(B))—

(A) by striking clause (ii);

(B) by striking ''may be waived'' and all that follows through ''during'' and inserting ''may be waived during''; and

(C) by striking ''; or'' and inserting ''in response to a significant national security threat.'';

(2) in section 302(d)(2) (50 U.S.C. 4532(d)(2))—

(A) by striking subparagraph (B);

(B) by striking ''may be waived'' and all that follows through ''during'' and inserting ''may be waived during''; and

(C) by striking ''; and'' and inserting ''in response to a significant national security threat.''; and

(3) in section 303(a)(7) (50 U.S.C. 4533(a)(7))—

(A) by striking subparagraph (B);

(B) by striking ''may be waived'' and all that follows through ''during'' and inserting ''may be waived during''; and

(C) by striking ''; or'' and inserting ''in response to a significant national security threat.''.

SA 6386. 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 G of title X, add the following:

SEC. 1077. MODIFICATION OF WAIVER AUTHORITY UNDER TITLE III OF DEFENSE PRODUCTION ACT OF 1950.

The Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) is amended—

(1) in section 301(d)(1)(B) (50 U.S.C. 4531(d)(1)(B))—

(A) by striking clause (ii);

(B) by striking ''may be waived'' and all that follows through ''during'' and inserting ''may be waived during''; and

(C) by striking ''; or'' and inserting a period;

(2) in section 302(d)(2) (50 U.S.C. 4532(d)(2))—

(A) by striking subparagraph (B);

(B) by striking ''may be waived'' and all that follows through ''during'' and inserting ''may be waived during''; and

(C) by striking ''; and'' and inserting a period; and

(3) in section 303(a)(7) (50 U.S.C. 4533(a)(7))—

(A) by striking subparagraph (B);

(B) by striking ''may be waived'' and all that follows through ''during'' and inserting ''may be waived during''; and

(C) by striking ''; or'' and inserting a period.

SA 6387. 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 end of subtitle E of title V, add the following:

SEC. 875. ACQUISITION DATA MODERNIZATION.

Title 41, United States Code, is amended as follows:

(1) In section 1101(b)(1), by striking ''and forms'' and inserting ''forms, and data''.

(2) In section 1121—

(A) in subsection (a), by striking ''procurement systems'' and inserting ''the procurement lifecycle, procurement data management capabilities (including the government-wide point of entry), procurement business processes, and procurement data'';

(B) in subsection (c)(3), by striking ''and forms'' and inserting ''forms, and data''; and

(C) in subsection (d), by striking ''forms'' each place it appears and inserting ''data''.

(3) In section 1122—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''forms'' and by inserting ''data'';

(ii) in paragraph (2)—

(I) by striking ''system'' and by inserting ''data management capabilities and''; and

(II) by striking ''in their procurement systems'' and inserting ''for use in procurement processes and associated technology'';

(iii) in paragraph (4)(A)—

(I) by striking ''the computer-based Federal Procurement Data System'' and by inserting ''centralized and shared procurement data management capabilities supporting the procurement lifecycle''; and

(II) by inserting ''analyze,'' after ''develop,'';

(iv) in paragraph (7), by striking ''and forms'' and inserting ''forms, and procurement data management standards'';

(v) in paragraph (8), by striking ''forms'' and by inserting ''data'';

(vi) in paragraph (12)—

(I) by inserting ''and determining relevant data standards'' after ''developing policies''; and

(II) by striking ''women; and'' and inserting ''women;''; and

(vii) by striking paragraph (13) and inserting the following new paragraphs:

''(13) ensuring the alignment of data with procurement policy, appropriate transparency of relevant data, and effective procurement business processes and supporting technology in order to ensure the appropriate display, protection, and use of procurement data; and

''(14) developing and providing executive agencies with the requirements and standards for the universal, single Government-wide point of entry for procurement as well as the minimum contents for electronic records.''; and

(B) in subsection (b)(3), by striking ''development, and maintenance'' and inserting ''development, maintenance, and management''.

SA 6388. Ms. HASSAN (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 appropriate place, insert the following:

SEC. ___. NATIONAL RISK MANAGEMENT CYCLE.

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

''SEC. 2220E. NATIONAL RISK MANAGEMENT CYCLE.

''(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In this section, the term 'national critical functions' means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

''(b) NATIONAL RISK MANAGEMENT CYCLE.—

''(1) RISK IDENTIFICATION AND ASSESSMENT.—

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

''(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall consult with, and request and collect information to support analysis from, Sector Risk Management Agencies, critical infrastructure owners and operators, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the National Cyber Director.

''(C) PUBLICATION.—Not later than 180 days after the date of enactment of this section, the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A), subject to any redactions the Secretary determines are necessary to protect classified or other sensitive information.

''(D) REPORT.—The Secretary shall submit to the President, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the risks identified by the process established under subparagraph (A)—

''(i) not later than 1 year after the date of enactment of this section; and

''(ii) not later than 1 year after the date on which the Secretary submits a periodic evaluation described in section 9002(b)(2) of title XC of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

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

''(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers each report required under paragraph (1), the President shall deliver to majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

''(B) ELEMENTS.—Each strategy delivered under subparagraph (A) shall—

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

''(ii) assess the implementation of the previous national critical infrastructure resilience strategy, as applicable;

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

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

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

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

''(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date on which the President delivers a strategy under this section, and every year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall brief the appropriate committees of Congress on—

''(A) the national risk management cycle activities undertaken pursuant to the strategy; and

''(B) the amounts and timeline for funding that the Secretary has determined would be necessary to address risks and successfully execute the full range of activities proposed by the strategy.''.

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

(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. National risk management cycle.''.

SA 6389. Mr. WHITEHOUSE (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 appropriate place in title X, insert the following:

SEC. _____. COORDINATOR FOR COMBATING FOREIGN KLEPTOCRACY AND CORRUPTION.

Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended—

(1) in subsection (b)—

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

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

(C) by adding at the end the following:

''(5) coordinate, without assuming operational authority, the United States Government efforts to identify and seize assets that are the proceeds of corruption pertaining to China, Iran, North Korea, or Russia and identifying the national security implications of strategic corruption in such countries.''.

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

''(h) COORDINATOR FOR COMBATING FOREIGN KLEPTOCRACY AND CORRUPTION.—

''(1) IN GENERAL.—The President shall designate an employee of the National Security Council to be responsible for the coordination of the interagency process for identifying and seizing assets that are that are the proceeds of corruption pertaining to China, Iran, North Korea, or Russia and identifying the national security implications of strategic corruption in such countries.

''(2) REPORTING.—The employee designated under paragraph (1) shall report to the Council's Senior Director for Europe.

''(3) COORDINATION WITH COORDINATOR FOR COMBATING MALIGN FOREIGN INFLUENCE OPERATIONS AND CAMPAIGNS.—The employee designated under paragraph (1) of this subsection shall coordinate with the employee designated under subsection (g)(1).

''(4) LIAISON.—The employee designated under paragraph (1) shall serve as a liaison, for purposes of coordination described in such paragraph, with the following:

''(A) The Department of the Treasury.

''(B) The Department of Justice.

''(C) The Department of Defense.

''(D) The intelligence community.

''(E) The Department of State.

''(F) Good government transparency groups in civil society.''.

SA 6390. 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 end of subtitle B of title VIII, add the following:

SEC. 829. FEDERAL CONTRACTING FOR PEACE AND SECURITY.

(a) PURPOSE.—It is the policy of the Federal Government not to contract with entities that undermine United States interests by continuing to conduct business operations in the Russian Federation during its ongoing war of aggression against Ukraine.

(b) CONTRACTING PROHIBITION.—

(1) PROHIBITION.—The head of an executive agency may not enter into, extend, or renew a covered contract with an entity that continues to conduct business operations in the territory internationally recognized as the Russian Federation during the covered period.

(2) EXCEPTIONS.—

(A) GOOD FAITH EXEMPTION.—The Office of Management and Budget, in consultation with the General Services Administration, may exempt a contractor from the prohibition in paragraph (1) if the contractor has—

(i) pursued and continues to pursue all reasonable steps in demonstrating a good faith effort to comply with the requirements of this Act; and

(ii) provided to the executive agency a reasonable, written plan to achieve compliance with such requirements.

(B) PERMISSIBLE OPERATIONS.—The prohibition in paragraph (1) shall not apply to business operations in Russia authorized by a license issued by the Office of Foreign Assets Control or the Bureau of Industry and Security or is otherwise allowed to operate notwithstanding the imposition of sanctions or export controls.

(C) AMERICAN DIPLOMATIC MISSION IN RUSSIA.—The prohibition in paragraph (1) shall not apply to contracts related to the operation and maintenance of the United States Government's consular offices and diplomatic posts in Russia.

(D) INDIVIDUAL CONTRACTS.—The prohibition under paragraph (1) shall not apply to any contract that is any of the following:

(i) For the benefit, either directly or through the efforts of regional allies, of the country of Ukraine.

(ii) For humanitarian purposes to meet basic human needs.

(3) NATIONAL INTEREST AND PUBLIC INTEREST WAIVERS.—

(A) IN GENERAL.—The head of an executive agency is authorized to waive the prohibition under paragraph (1) with respect to a covered contract if the head of the agency certifies in writing to the President that such waiver is for the national interest of the United States or in the public interest of the United States, and includes in such certification a justification for the waiver and description of the contract to which the waiver applies. The authority in this subparagraph may not be delegated below the level of the senior procurement executive of the agency.

(B) CONGRESSIONAL NOTIFICATION.—The head of an executive agency shall, not later than 7 days before issuing a waiver described in subparagraph (A), submit to the appropriate congressional committees the certification described in such subparagraph.

(4) EMERGENCY RULEMAKING AUTHORITY.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the Secretary of Defense, shall promulgate regulations for agency implementation of this Act using emergency rulemaking procedures while considering public comment to the greatest extent practicable, that includes the following:

(A) A list of equipment, facilities, personnel, products, services, or other items or activities, the engagement with which would be considered business operations, subject to the prohibition under paragraph (1).

(B) A requirement for a contractor or offeror to represent whether such contractor or offeror uses any of the items, or is engaged in any of the activities on the list, described in subparagraph (A).

(C) A description of the process for determining a good faith exemption described under paragraph (2).

(5) DEFINITIONS.—In this section:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

(B) BUSINESS OPERATIONS.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the term ''business operations'' means engaging in commerce in any form, including acquiring, developing, selling, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(ii) EXCEPTIONS.—The term ''business operations'' does not include any of the following:

(I) Action taken for the benefit of the country of Ukraine.

(II) Activities to support humanitarian projects to meet basic human needs in Ukraine or the Russian Federation, including—

(aa) drought and flood relief;

(bb) food, nutrition, and medicine distribution;

(cc) the provision of health services;

(dd) assistance for vulnerable or displaced populations, including individuals with disabilities and the elderly; and

(ee) environmental programs.

(III) Activities to support education in Ukraine or the Russian Federation, including combating illiteracy, increasing access to education, international exchanges, and assisting education reform projects.

(IV) Activities to support non-commercial development projects directly benefitting the people of Ukraine or the Russian Federation, including those related to health, food security, and water and sanitation.

(V) The provision of products or services for compliance with legal, reporting, or other requirements of the laws or standards of countries other than the Russian Federation.

(VI) Journalistic and publishing activities, news reporting, or the gathering and dissemination of information, informational materials, related services, or transactions ordinarily incident to journalistic and publishing activities.

(VII) Research activities, including medical research, for purposes of benefit to the general public.

(iii) EXCEPTION FOR SUSPENSION OR TERMINATION ACTIONS.—The term ''business operations'' does not include action taken to support the suspension or termination of business operations (as described in clause (i)) for the duration of the covered period, including—

(I) an action to secure or divest from facilities, property, or equipment;

(II) the provision of products or services provided to reduce or eliminate operations in territory internationally recognized as the Russian Federation or to comply with sanctions relating to the Russian Federation; and

(III) activities that are incident to liquidating, dissolving, or winding down a subsidiary or legal entity in Russia through which operations had been conducted, including actions required to meet any judicial or regulatory requirements or orders of the Russian Federation.

(C) COVERED CONTRACT.—The term ''covered contract'' means a prime contract entered into by an executive agency with a company conducting business operations in territory internationally recognized as the Russian Federation during the covered period.

(D) COVERED PERIOD.—The term ''covered period'' means the period of time beginning 180 days after the date of the enactment of this Act and ending on a date that is determined by the Secretary of State based on steps taken by the Russian Federation to restore the safety, sovereignty, and condition of the country of Ukraine, or 10 years after the date of the enactment of this Act, whichever is sooner.

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

SA 6391. 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 end, add the following:

DIVISION E—ADVANCING AMERICAN AI ACT

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Advancing American AI Act''.

SEC. 5002. PURPOSES.

The purposes of this division are to—

(1) encourage agency artificial intelligence-related programs and initiatives that enhance the competitiveness of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurialism;

(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions;

(3) promote adoption of modernized business practices and advanced technologies across the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties; and

(4) test and harness applied artificial intelligence to enhance mission effectiveness and business practice efficiency.

SEC. 5003. DEFINITIONS.

In this division:

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

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

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

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

(3) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given the term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(4) ARTIFICIAL INTELLIGENCE SYSTEM.—The term ''artificial intelligence system''—

(A) means any data system, software, application, tool, or utility that operates in whole or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence, whether—

(i) the data system, software, application, tool, or utility is established primarily for the purpose of researching, developing, or implementing artificial intelligence technology; or

(ii) artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology system; and

(B) does not include any common commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.

(C)

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

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

SEC. 5004. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260), consider—

(1) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled ''Key Considerations for the Responsible Development and Fielding of AI'', as updated in April 2021;

(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78939; relating to promoting the use of trustworthy artificial intelligence in Government); and

(3) the input of—

(A) the Privacy and Civil Liberties Oversight Board;

(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Information Officers Council, and the Chief Data Officers Council;

(C) other governmental and nongovernmental privacy, civil rights, and civil liberties experts; and

(D) any other individual or entity the Director determines to be appropriate.

(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security, with the participation of the Chief Procurement Officer, the Chief Information Officer, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties of the Department and any other person determined to be relevant by the Secretary of Homeland Security, shall issue policies and procedures for the Department related to—

(A) the acquisition and use of artificial intelligence; and

(B) considerations for the risks and impacts related to artificial intelligence-enabled systems, including associated data of machine learning systems, to ensure that full consideration is given to—

(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems; and

(ii) security against misuse, degradation, or rending inoperable of artificial intelligence-enabled systems; and

(2) the Chief Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department shall report to Congress on any additional staffing or funding resources that may be required to carry out the requirements of this subsection.

(c) INSPECTOR GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department shall identify any training and investments needed to enable employees of the Office of the Inspector General to continually advance their understanding of—

(1) artificial intelligence systems;

(2) best practices for governance, oversight, and audits of the use of artificial intelligence systems; and

(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigative results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a working group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial means by which to—

(A) ensure that contracts for the acquisition of an artificial intelligence system or service—

(i) align with the guidance issued to the head of each agency under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260);

(ii) address protection of privacy, civil rights, and civil liberties;

(iii) address the ownership and security of data and other information created, used, processed, stored, maintained, disseminated, disclosed, or disposed of by a contractor or subcontractor on behalf of the Federal Government; and

(iv) include considerations for securing the training data, algorithms, and other components of any artificial intelligence system against misuse, unauthorized alteration, degradation, or rendering inoperable; and

(B) address any other issue or concern determined to be relevant by the Director to ensure appropriate use and protection of privacy and Government data and other information.

(2) CONSULTATION.—In developing the considerations under paragraph (1)(A)(iv), the Director shall consult with the Secretary of Homeland Security, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence.

(3) REVIEW.—The Director—

(A) should continuously update the means developed under paragraph (1); and

(B) not later than 2 years after the date of enactment of this Act and not less frequently than every 2 years thereafter, shall update the means developed under paragraph (1).

(4) BRIEFING.—The Director shall brief the appropriate congressional committees—

(A) not later than 90 days after the date of enactment of this Act and thereafter on a quarterly basis until the Director first implements the means developed under paragraph (1); and

(B) annually thereafter on the implementation of this subsection.

(5) SUNSET.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 5005. AGENCY INVENTORIES AND ARTIFICIAL INTELLIGENCE USE CASES.

(a) INVENTORY.—Not later than 60 days after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall require the head of each agency to—

(1) prepare and maintain an inventory of the artificial intelligence use cases of the agency, including current and planned uses;

(2) share agency inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information; and

(3) make agency inventories available to the public, in a manner determined by the Director, and to the extent practicable and in accordance with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the creation and maintenance of an online public directory to—

(1) make agency artificial intelligence use case information available to the public and those wishing to do business with the Federal Government; and

(2) identify common use cases across agencies.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies to improve interagency coordination and information sharing for common use cases.

SEC. 5006. RAPID PILOT, DEPLOYMENT AND SCALE OF APPLIED ARTIFICIAL INTELLIGENCE CAPABILITIES TO DEMONSTRATE MODERNIZATION ACTIVITIES RELATED TO USE CASES.

(a) IDENTIFICATION OF USE CASES.—Not later than 270 days after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall identify 4 new use cases for the application of artificial intelligence-enabled systems to support interagency or intra-agency modernization initiatives that require linking multiple siloed internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) PILOT PROGRAM.—

(1) PURPOSES.—The purposes of the pilot program under this subsection include—

(A) to enable agencies to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission; and

(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall ensure the initiation of the piloting of the 4 new artificial intelligence use case applications identified under subsection (a), leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence-enabled capabilities to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—

(A) evaluate risks in utilizing artificial intelligence systems; and

(B) develop a risk mitigation plan to address those risks, including consideration of—

(i) the artificial intelligence system not performing as expected;

(ii) the lack of sufficient or quality training data; and

(iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) PRIORITIZATION.—In carrying out paragraph (2), the Director shall prioritize modernization projects that—

(A) would benefit from commercially available privacy-preserving techniques, such as use of differential privacy, federated learning, and secure multiparty computing; and

(B) otherwise take into account considerations of civil rights and civil liberties.

(5) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in paragraph (2) shall include not less than 1 from each of the following categories:

(A) Applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—

(i) predictive food demand and optimized supply;

(ii) predictive medical supplies and equipment demand and optimized supply; or

(iii) predictive logistics to accelerate disaster preparedness, response, and recovery.

(B) Applied artificial intelligence to accelerate agency investment return and address mission-oriented challenges, such as—

(i) applied artificial intelligence portfolio management for agencies;

(ii) workforce development and upskilling;

(iii) redundant and laborious analyses;

(iv) determining compliance with Government requirements, such as with grants management; or

(v) outcomes measurement to measure economic and social benefits.

(6) REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish an artificial intelligence capability within each of the 4 use case pilots under this subsection that—

(A) solves data access and usability issues with automated technology and eliminates or minimizes the need for manual data cleansing and harmonization efforts;

(B) continuously and automatically ingests data and updates domain models in near real-time to help identify new patterns and predict trends, to the extent possible, to help agency personnel to make better decisions and take faster actions;

(C) organizes data for meaningful data visualization and analysis so the Government has predictive transparency for situational awareness to improve use case outcomes;

(D) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible

(E) enables knowledge transfer and collaboration across agencies; and

(F) preserves intellectual property rights to the data and output for benefit of the Federal Government and agencies.

(c) BRIEFING.—Not earlier than 270 days but not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the Director shall brief the appropriate congressional committees on the activities carried out under this section and results of those activities.

(d) SUNSET.—The section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 5007. ENABLING ENTREPRENEURS AND AGENCY MISSIONS.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 U.S.C. 3301 note) is amended—

(1) in subsection (c), by striking $10,000,000'' and inserting ''$25,000,000'';

(2) by amending subsection (f) to read as follows:

''(f) DEFINITIONS.—In this section—

''(1) the term 'commercial product'—

''(A) has the meaning given the term 'commercial item' in section 2.101 of the Federal Acquisition Regulation; and

''(B) includes a commercial product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41, United States Code; and

''(2) the term 'innovative' means—

''(A) any new technology, process, or method, including research and development; or

''(B) any new application of an existing technology, process, or method.''; and

(3) in subsection (g), by striking ''2022'' and insert ''2027''.

(b) DHS OTHER TRANSACTION AUTHORITY.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

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

''(2) PROTOTYPE PROJECTS.—The Secretary—

''(A) may, under the authority of paragraph (1), carry out prototype projects under section 4022 of title 10, United States Code; and

''(B) in applying the authorities of such section 4022, the Secretary shall perform the functions of the Secretary of Defense as prescribed in such section.'';

(2) in subsection (c)(1), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

(3) in subsection (d), by striking ''section 845(e)'' and all that follows and inserting ''section 4022(e) of title 10, United States Code.''.

(c) COMMERCIAL OFF THE SHELF SUPPLY CHAIN RISK MANAGEMENT TOOLS.—The General Services Administration is encouraged to pilot commercial off the shelf supply chain risk management tools to improve the ability of the Federal Government to characterize, monitor, predict, and respond to specific supply chain threats and vulnerabilities that could inhibit future Federal acquisition operations.

SA 6392. Mr. WHITEHOUSE (for himself, Mr. GRAHAM, Mr. RISCH, Mr. BENNET, 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 title XII, add the following:

Subtitle G—Asset Seizure for Ukraine Reconstruction

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Asset Seizure for Ukraine Reconstruction Act''.

SEC. 1282. NATIONAL EMERGENCY DECLARATION RELATING TO HARMFUL ACTIVITIES OF RUSSIAN FEDERATION RELATING TO UKRAINE.

The President may exercise the authority provided by this subtitle if the President—

(1) declares a national emergency under section 201 of the National Emergencies Act (50 U.S.C. 1621) with respect to actions of the Government of the Russian Federation or nationals of the Russian Federation that threaten the peace, security, stability, sovereignty, or territorial integrity of Ukraine; and

(2) declares that the use of the authority provided by this subtitle is necessary as a response to the national emergency.

SEC. 1283. AUTHORITY FOR FORFEITURE OF PROPERTY.

(a) IN GENERAL.—Subject to a national emergency declared under section 1282, property is subject to forfeiture to the United States if—

(1) the property is subject to the jurisdiction of the United States; and

(2) the property is—

(A) property that constitutes or is derived from proceeds traceable to a violation of—

(i) chapter 113B of title 18, United States Code (relating to terrorism);

(ii) section 215 of that title (relating to receipt of commissions or gifts for procuring loans); or

(iii) section 1032 of that title (relating to concealment of assets from conservator, receiver, or liquidating agent); or

(B) property subject to forfeiture pursuant to section 981(a) of that title.

(b) VESTING OF TITLE.—All right, title, and interest in property forfeited under subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under subsection (a)(2).

(c) INNOCENT OWNER DEFENSE.—

(1) IN GENERAL.—An innocent owner's interest in property shall not be forfeited under this section. The claimant shall have the burden of proving that the claimant is an innocent owner by a preponderance of the evidence.

(2) PROHIBITION ON ASSERTION OF OWNERSHIP INTEREST.—Notwithstanding any provision of this subsection, no person may assert an ownership interest under this subsection in contraband or other property that is illegal to possess.

(3) DEFINITIONS.—In this subsection:

(A) INNOCENT OWNER.—The term ''innocent owner'' means—

(i) with respect to a property interest in existence at the time the conduct giving rise to forfeiture took place, an owner that—

(I) did not know of the conduct giving rise to forfeiture; or

(II) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property; and

(ii) with respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, a person who, at the time that person acquired the interest in the property—

(I) was a bona fide purchaser or seller for value (including a purchaser or seller of goods or services for value); and

(II) did not know and was reasonably without cause to believe that the property was subject to forfeiture.

(B) OWNER.—The term ''owner''—

(i) means a person with an ownership interest in the specific property sought to be forfeited, including a leasehold, lien, mortgage, recorded security interest, or valid assignment of an ownership interest; and

(ii) does not include—

(I) a person with only a general unsecured interest in, or claim against, the property or estate of another;

(II) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

(III) a nominee who exercises no dominion or control over the property.

SEC. 1284. PROCEDURES.

(a) INVESTIGATIONS.—The Attorney General and the Secretary of the Treasury (or a designee), in coordination with the heads of such other relevant agencies as the Attorney General or the Secretary considers appropriate, may investigate and identify property subject to forfeiture under section 1283.

(b) SEIZURES.—

(1) IN GENERAL.—Except as provided in section 985 of title 18, United States Code, any property identified under subsection (a) as being subject to forfeiture under section 1283 may be seized by the Attorney General in accordance with paragraph (2).

(2) WARRANTS.—

(A) IN GENERAL.—Except as provided by subparagraph (B), a seizure pursuant to this subsection shall be made pursuant to a warrant obtained in the same manner is as provided for obtaining a search warrant under the Federal Rules of Criminal Procedure.

(B) ISSUANCE; EXECUTION.—Notwithstanding rule 41 of the Federal Rules of Criminal Procedure, a warrant for the seizure of any property identified under subsection (a) may be—

(i) issued by a judicial officer of the United States District Court for the District of Columbia; and

(ii) executed in any district in which the property is found or transmitted to the government of a foreign country for service in accordance with an applicable treaty or other international agreement.

(c) FORFEITURE.—

(1) INITIAL DETERMINATION.—The Secretary of the Treasury shall determine whether property seized under subsection (b) is subject to forfeiture under section 1283.

(2) RECORD.—To support a determination under paragraph (1), the Attorney General, in consultation with the Secretary and with the assistance of the heads of such other relevant agencies as the Attorney General or the Secretary considers appropriate, shall create a record of each property seized under subsection (b), which shall demonstrate whether that property is subject to forfeiture under section 1283.

(3) NOTICE.—Not less than 60 days before any order of forfeiture on any property seized under subsection (b), the Attorney General shall provide notice of the initial determination under paragraph (1) to—

(A) any person identified as having a protected legal interest in the property, in a manner reasonably calculated to reach such person; and

(B) the public, through publication on an internet website of the United States Government or other means the Attorney General considers appropriate.

(4) ADMINISTRATIVE RECONSIDERATION.—

(A) IN GENERAL.—If, 60 days after a notice of initial determination has been issued under paragraph (3) with respect to property, a request for administrative reconsideration of such determination has not been filed, the Secretary shall order forfeiture of the property.

(B) REVIEW OF INITIAL DETERMINATION.—If, not later than 60 days after a notice of initial determination has been issued under paragraph (3) with respect to property, any person with a protected legal interest in the property files a request for administrative reconsideration of such determination, which shall include an identification of each beneficial owner of such property, the Secretary shall review such request and, in consultation with the Attorney General, determine, based on a preponderance of the evidence, whether the property is subject to forfeiture under section 1283.

(C) FINAL DETERMINATION.—

(i) IN GENERAL.—Not later than 45 days after a person files a request under subparagraph (B) for administrative reconsideration of an initial determination under paragraph (1), the Secretary shall provide notice to that person of the determination of the Secretary under subparagraph (B).

(ii) ORDER OF FORFEITURE.—Ten days after a notice of determination has been issued under clause (i), if the determination is affirmative and no person with a protected legal interest in the property has filed a request for judicial review under section 1285—

(I) the determination shall be final; and

(II) the Secretary may order forfeiture of the property.

(d) EXCLUSION FROM DEFINITION OF CIVIL FORFEITURE STATUTE.—Section 983(i)(2)(D) of title 18, United States Code, is amended by striking ''or the North Korea Sanctions Enforcement Act of 2016'' and inserting ''the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9201 et seq.), or the Asset Seizure for Ukraine Reconstruction Act''.

SEC. 1285. JUDICIAL REVIEW.

(a) FILING OF PETITION FOR REVIEW.—A person that filed a request under paragraph (4)(B) of section 1284(c) for administrative reconsideration of an initial determination of the Secretary of the Treasury under paragraph (1) of that section may seek judicial review of a determination of the Secretary under paragraph (4)(C) of that section by filing a petition for review in the United States District Court for the District of Columbia not later than 10 days after a notice of determination has been issued under paragraph (4)(C)(i) of that section.

(b) EXPEDITED CONSIDERATION.—A petition filed under subsection (a)(1) shall—

(1) be assigned for hearing at the earliest possible date;

(2) take all possible precedence over other matters pending on the docket of the court at that time; and

(3) be expedited by the court to the greatest extent practicable.

(c) FILING OF ADMINISTRATIVE RECORDS.—Not later than 20 days after a petition is filed under subsection (a)(1), the Attorney General shall file the administrative record required by section 1284(c)(2) with the district court unless the court allows additional time.

(d) DISCOVERY.—

(1) IN GENERAL.—Except as provided by paragraph (2), there shall be no discovery in a proceeding under this section.

(2) EXCEPTION IF PETITIONER REQUESTS DISCOVERY.—

(A) IN GENERAL.—The court may, in the court's discretion, permit discovery in a proceeding under this section if the person who filed the petition under subsection (a)(1)—

(i) submits a motion requesting discovery; and

(ii) shows good cause and that discovery would be in the interest of justice.

(B) DISCOVERY BY ATTORNEY GENERAL.—If the court grants a motion for discovery under subparagraph (A), the Attorney General shall be entitled to request discovery at the court's discretion.

(e) TREATMENT OF CLASSIFIED INFORMATION.—If, in a proceeding under this section, the court determines that protected information in the administrative record, including classified or other information subject to privilege or protections under any provision of law, is necessary to resolve the proceeding—

(1) such information shall be submitted ex parte and in camera to the court; and

(2) the court shall maintain such information under seal.

(f) REQUEST FOR JURY TRIAL.—A person who files a petition under subsection (a)(1) may request a jury trial.

(g) STANDARD OF REVIEW.—The final determination of the Secretary of the Treasury under section 1284(c)(4) shall be upheld if, upon review of the administrative record and any information adduced in the proceeding under this section, the court finds that the determination was supported by a preponderance of the evidence and was not based on legal error.

(h) FORFEITURE ORDER.—If the final determination of the Secretary of the Treasury under section 1284(c)(4) is upheld, the court shall promptly order the property that is the subject of the determination forfeited.

(i) APPEALS.—Any appeal from a decision of the district court under this section shall be heard and decided on an expedited basis.

SEC. 1286. DISPOSITION OF FORFEITED PROPERTY; USE TO ADDRESS HARMS TO UKRAINE.

(a) TRANSFER OF PROPERTY.—

(1) FORFEITURE.—In any order of forfeiture under this subtitle, the Secretary of the Treasury or a court shall order to be transferred to the Secretary the property that is subject to such order.

(2) SEIZURES.—The Attorney General may transfer to the Secretary any property seized under subsection 4(b).

(b) LIQUIDATION OF FORFEITED PROPERTY.—The Secretary of the Treasury may liquidate or sell any property forfeited under this subtitle.

(c) DEPOSIT OF PROCEEDS OF FORFEITED PROPERTY.—

(1) IN GENERAL.—The Secretary of the Treasury may—

(A) create accounts, including the Ukrainian Relief Fund authorized under subsection (e), to be used to deposit net proceeds from and to store and maintain property forfeited pursuant to this subtitle; and

(B) make expenditures from such accounts, including for the costs of any actions by the Attorney General or the Secretary under this subtitle.

(2) OTHER ASSETS.—The Secretary may deposit net proceeds from assets forfeited pursuant to other provisions of law into the Ukrainian Relief Fund authorized under subsection (e).

(d) TRANSFER OF FUNDS TO PROVIDE SUPPORT FOR UKRAINE.—

(1) IN GENERAL.—The Secretary of the Treasury may transfer funds from an account established pursuant to subsection (c), including the Ukrainian Relief Fund authorized under subsection (e), to—

(A) the Secretary of State to provide support described in subsection (e)(2); or

(B) any other agency of the United States Government to support efforts related to addressing harms caused by the actions of the Russian Federation or nationals of the Russian Federation in Ukraine.

(2) TREATMENT AS ASSISTANCE.—Funds transferred to the Secretary of State under paragraph (1)(A)—

(A) shall be considered to be assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601 et seq.), as the Secretary determines to be appropriate, for purposes of making available the administrative authorities and implementing the reporting requirements contained in those Acts; and

(B) may be transferred to, and merged with, funds made available to carry out any provision of those Acts, except that such funds shall remain available until expended.

(e) UKRAINIAN RELIEF FUND.—

(1) ESTABLISHMENT.—The Secretary of the Treasury may establish an account, to be known as the ''Ukrainian Relief Fund'', which may be available to the Secretary of State for use, in consultation with the Attorney General and the Administrator of the United States Agency for International Development, as specified in paragraph (2).

(2) USE OF FUNDS TO SUPPORT UKRAINE.—Amounts in the Ukrainian Relief Fund may be available to provide support to the people of Ukraine to redress the harms and costs caused by the illegal invasion of Ukraine by the Russian Federation. Such support may include—

(A) promotion of the security, safety, health, and well-being of Ukrainian refugees and internally displaced Ukrainians, including the resettlement of Ukrainian refugees;

(B) support for international or nonprofit organizations engaged in direct efforts to support Ukrainian refugees and internally displaced Ukrainians;

(C) support for the reconstruction, rehabilitation, and general recovery of Ukraine in areas no longer controlled by the Russian Federation, as certified by the Secretary of State; and

(D) through such other manner as the Secretary of State considers appropriate, promotion of the security, welfare, and dignity of Ukrainian refugees and internally displaced Ukrainians, the recovery of the economy of Ukraine, and the general welfare of the people of Ukraine.

(3) AVAILABILITY OF AMOUNTS.—Amounts in the Ukrainian Relief Fund shall be available without further appropriation and shall remain available until expended.

(f) FUND OVERSIGHT.—The Inspector General of the Department of State, the Inspector General of the Department of Justice, and the Inspector General of the United States Agency for International Development shall oversee the activities of the respective agencies related to the Ukrainian Relief Fund and any other account established pursuant to subsection (c).

(g) REPORT ON FORFEITURES AND USE OF FORFEITED PROPERTY TO ADDRESS HARMS TO UKRAINE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subtitle, and every 180 days thereafter, the Secretary of the Treasury, the Attorney General, the Secretary of State, and the Administrator of the United States Agency for International Development shall jointly submit to the appropriate congressional committees a report on—

(A) property forfeited under this subtitle, liquidated or sold (if necessary) as described in subsection (b), and deposited into an account established pursuant to subsection (c), including the Ukrainian Relief Fund authorized under subsection (e); and

(B) the use of amounts in any such account, including all costs and expenditures.

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

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

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

SEC. 1287. AUTHORIZATION OF REWARDS.

Section 9703(b) of the Kleptocracy Asset Recovery Rewards Act (subtitle A of title XCVII of Public Law 116–283; 31 U.S.C. 9701 note prec.) is amended—

(1) in paragraph (2), by striking ''; or'' and inserting a semicolon;

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

(3) by adding at the end the following:

''(4) the forfeiture of funds or other property under the Asset Seizure for Ukraine Reconstruction Act.''.

SEC. 1288. RULEMAKING.

The Attorney General and the Secretary of the Treasury may prescribe regulations to carry out this subtitle without regard to the requirements of section 553 of title 5, United States Code.

SEC. 1289. TERMINATION.

(a) IN GENERAL.—This subtitle shall terminate on the date that is 3 years after the date of the enactment of this Act.

(b) SAVINGS PROVISION.—The termination of this subtitle under subsection (a) shall not—

(1) terminate the applicability of the procedures under this subtitle to any property seized prior to the date of the termination under subsection (a); or

(2) moot any legal action taken or pending legal proceeding not finally concluded or determined on that date.

SA 6393. 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 end of subtitle G of title X, add the following:

SEC. 1077. OVERSIGHT OF THE PROCUREMENT OF EQUIPMENT BY STATE AND LOCAL GOVERNMENTS THROUGH THE DEPARTMENT OF DEFENSE.

Section 281 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (c) the following new subsections:

''(d) LIMITATIONS ON PURCHASES.—(1) The Secretary shall require, as a condition of any purchase of equipment under this section, that if the Department of Justice opens an investigation into a State or unit of local government under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601), the Secretary shall pause all pending or future purchases by that State or unit of local government.

''(2) The Secretary shall prohibit the purchase of equipment by a State or unit of local government for a period of 5 years upon a finding that equipment purchased under this section by the State or unit of local government was used as part of a violation under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601).

''(e) PUBLICLY ACCESSIBLE WEBSITE ON PURCHASED EQUIPMENT.—(1) The Secretary, in coordination with the Administrator of General Services, shall create and maintain a publicly available internet website that provides in searchable format information on the purchase of equipment under this section and the recipients of such equipment.

''(2) The internet website required under paragraph (1) shall include all publicly accessible unclassified information pertaining to the purchase of equipment under this section, including—

''(A) the catalog of equipment available for purchase under subsection (c);

''(B) the recipient state or unit of local government;

''(C) the purpose of the purchase under subsection (a)(1);

''(D) the type of equipment;

''(E) the cost of the equipment;

''(F) the administrative costs under subsection (b); and

''(G) other information the Secretary determines is necessary.

''(3) The Secretary shall update on a quarterly basis information included on the internet website required under paragraph (1).''.

SA 6394. 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 in title X, insert the following:

SEC. _____. DEPARTMENT OF VETERANS AFFAIRS ADVISORY COMMITTEE ON UNITED STATES OUTLYING AREAS AND FREELY ASSOCIATED STATES.

(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) IN GENERAL.—Subchapter III of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 548. Advisory Committee on United States Outlying Areas and Freely Associated States

''(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee, to be known as the 'Advisory Committee on United States Outlying Areas and Freely Associated States', to provide advice and guidance to the Secretary on matters relating to covered veterans.

''(b) DUTIES.—The duties of the Committee shall be the following:

''(1) To advise the Secretary on matters relating to covered veterans, including how the Secretary can improve the programs and services of the Department to better serve such veterans.

''(2) To identify for the Secretary evolving issues of relevance to covered veterans.

''(3) To propose clarifications, recommendations, and solutions to address issues raised by covered veterans.

''(4) To provide a forum for covered veterans, veterans service organizations serving covered veterans, and the Department to discuss issues and proposals for changes to regulations, policies, and procedures of the Department.

''(5) To identify priorities for and provide advice to the Secretary on appropriate strategies for consultation with veterans service organizations serving covered veterans.

''(6) To encourage the Secretary to work with other departments and agencies of the Federal Government and Congress to ensure covered veterans are provided the full benefits of their status as covered veterans.

''(7) To highlight contributions of covered veterans in the Armed Forces.

''(8) To conduct other duties as determined appropriate by the Secretary.

''(c) MEMBERSHIP.—(1) The Committee shall be comprised of 15 voting members appointed by the Secretary.

''(2) In appointing members pursuant to paragraph (1), the Secretary shall ensure the following:

''(A) At least one member is appointed to represent covered veterans in each of the following areas:

''(i) American Samoa.

''(ii) Guam.

''(iii) Puerto Rico.

''(iv) The Commonwealth of the Northern Mariana Islands.

''(v) The Virgin Islands of the United States.

''(vi) The Federated States of Micronesia.

''(vii) The Republic of the Marshall Islands.

''(viii) The Republic of Palau.

''(B) Not fewer than half of the members appointed are covered veterans, unless the Secretary determines that an insufficient number of qualified covered veterans are available.

''(C) Each member appointed resides in an area specified in subparagraph (A).

''(3) In appointing members pursuant to paragraph (1), the Secretary may consult with any Member of Congress who represents an area specified in paragraph (2)(A).

''(4) In addition to members appointed under paragraph (1), the Committee shall be comprised of such ex-officio members from the Department of State and the Department of the Interior as the Secretary of State and the Secretary of the Interior, respectively, shall appoint.

''(d) TERMS; VACANCIES.—(1) A member of the Committee—

''(A) shall be appointed for a term of two years; and

''(B) may be reappointed to serve an additional 2-year term.

''(2) Not later than 180 days after receiving notice of a vacancy in the Committee, the Secretary shall fill the vacancy in the same manner as the original appointment.

''(e) MEETING FORMAT AND FREQUENCY.—(1) Except as provided in paragraph (2), the Committee shall meet in-person with the Secretary not less frequently than once each year and hold monthly conference calls as necessary.

''(2) Meetings held under paragraph (1) may be conducted virtually if determined necessary based on—

''(A) Department protocols; and

''(B) timing and budget considerations.

''(f) ADDITIONAL REPRESENTATION.—(1) Representatives of relevant departments and agencies of the Federal Government may attend meetings of the Committee and provide information to the Committee.

''(2) One representative of the Department shall attend each meeting of the Committee.

''(3) Representatives attending meetings under this subsection—

''(A) shall not be considered voting members of the Committee; and

''(B) may not receive additional compensation for services performed with respect to the Committee.

''(g) SUBCOMMITTEES.—(1) The Committee may establish subcommittees.

''(2) The Secretary may, in consultation with the Committee, appoint a member to a subcommittee established under paragraph (1) who is not a member of the Committee.

''(3) A subcommittee established under paragraph (1) may enhance the function of the Committee, but may not supersede the authority of the Committee or provide direct advice or work products to the Secretary.

''(h) REPORTS.—(1) Not less frequently than once every 2 years, the Committee shall submit to the Secretary and the appropriate committees of Congress a report—

''(A) containing such recommendations as the Committee may have for legislative or administrative action; and

''(B) describing the activities of the Committee during the previous two years.

''(2) Not later than 120 days after the date on which the Secretary receives a report under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a written response to the report after—

''(A) giving the Committee an opportunity to review such written response; and

''(B) including in such written response any comments the Committee considers appropriate.

''(3) The Secretary shall make publicly available on an internet website of the Department—

''(A) each report the Secretary receives under paragraph (1);

''(B) each written response the Secretary submits under paragraph (2); and

''(C) each report the Secretary receives under paragraph (3).

''(i) COMMITTEE PERSONNEL MATTERS.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5 while away from the home or regular place of business of the member in the performance of the duties of the Committee.

''(j) CONSULTATION.—In carrying out this section, the Secretary shall consult with veterans service organizations serving covered veterans.

''(k) TERMINATION.—The Committee shall terminate on the date that is 10 years after the date of the enactment of this section.

''(l) DEFINITIONS.—In this section:

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

''(A) the Committee on Veterans' Affairs of the House of Representatives; and

''(B) the Committee on Veterans' Affairs of the Senate.

''(2) The term 'Committee' means the Advisory Committee on United States Outlying Areas and Freely Associated States established under subsection (a).

''(3) The term 'covered veteran' means a veteran residing in an area specified in subsection (c)(2)(A).

''(4) The term 'veterans service organization serving covered veterans' means any organization that—

''(A) serves the interests of covered veterans;

''(B) has covered veterans in substantive and policymaking positions within the organization; and

''(C) has demonstrated experience working with covered veterans.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 547 the following new item:

''548. Advisory Committee on United States Outlying Areas and Freely Associated States.''.

(b) DEADLINE FOR ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish the advisory committee required by section 548 of title 38, United States Code, as added by subsection (a)(1) of this section.

(c) DEADLINE FOR INITIAL APPOINTMENTS.—Not later than 90 days after the date on which the Secretary establishes the advisory committee required by such section 548, the Secretary shall appoint the members of such advisory committee.

(d) INITIAL MEETING.—Not later than 180 days after the date on which the Secretary establishes the advisory committee required by such section 548, such advisory committee shall hold its first meeting.

SA 6395. 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:

SEC. _____. REFORM AND OVERSIGHT OF DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES.

(a) IN GENERAL.—Section 2576a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''subsection (b)'' and inserting ''the provisions of this section''; and

(B) by adding at the end the following:

''(3) The Secretary may transfer non-controlled property to nonprofit organizations involved in humanitarian response or first responder activities.'';

(2) in subsection (b)—

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

(B) in paragraph (6), by striking the period at the end and inserting '', and provides a description of the training courses;''; and

(C) by adding at the end the following:

''(7) the recipient, on an annual basis, certifies that if the recipient determines that any controlled property received is surplus to the needs of the recipient, the recipient will return the property to the Department of Defense;

''(8) the recipient, when requisitioning property, submits to the Department of Defense a justification for why the recipient needs the property and a description of the expected uses of the property;

''(9) with respect to a recipient that is not a Federal agency, the recipient certifies annually to the Department of Defense that the recipient has notified the local community of its participation in the program under this section by—

''(A) publishing a notice of such participation on a publicly accessible internet website, including information on how members of the local community can track property requested or received by the recipient on the website of the Department of Defense;

''(B) posting such notice at several prominent locations in the jurisdiction of the recipient; and

''(C) ensuring that such notices were available to the local community for a period of not less than 30 days;

''(10) with respect to a recipient that is a local law enforcement agency, the recipient publishes a notice on a publicly accessible internet website and at several prominent locations in the jurisdiction of the recipient of the approval of the city council or other local governing body to acquire the property sought under this section; and

''(11) with respect to a recipient that is a State law enforcement agency, the recipient publishes a notice on a publicly accessible internet website and at several prominent locations in the jurisdiction of the recipient of the approval of the appropriate State governing body to acquire the property sought under this section.'';

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

''(5) Grenade launchers.

''(6) Explosives (unless used for explosive detection canine training).

''(7) Firearms of .50 caliber or higher.

''(8) Ammunition of 0.5 caliber or higher.

''(9) Asphyxiating gases, including those comprised of lachrymatory agents, and analogous liquids, materials, or devices.

''(10) Silencers.

''(11) Long-range acoustic devices.''; and

(4) by striking subsections (f) and (g) and inserting the following:

''(f) LIMITATIONS ON TRANSFERS.—(1) The prohibitions under subsection (e) shall also apply with respect to the transfer of previously transferred property of the Department of Defense from a Federal or State agency to another such agency.

''(2) Each year, the Attorney General shall—

''(A) review all recipients of transferred equipment under this section; and

''(B) make recommendations to the Secretary on recipients that should be restricted, suspended, or terminated from the program under this section based on the findings of the Attorney General, including a finding that a recipient used equipment to conduct actions against individuals that infringe upon their rights under the First Amendment to the Constitution of the United States.

''(3) In the case of a recipient that is under investigation for a violation of, or is subject to a consent decree authorized by, section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601), the Attorney General shall provide a recommendation to the Secretary with respect to the continued participation of the recipient in the program under this section.

''(g) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—(1) For each fiscal year, the Secretary shall submit to Congress certification in writing that each State or local agency to which the Secretary has transferred personal property under this section—

''(A) has provided to the Secretary documentation accounting for all controlled property, including arms, that the Secretary has transferred to the agency, including any item described in subsection (e) so transferred before the date of enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3388); and

''(B) has carried out each of paragraphs (5) through (9) of subsection (b).

''(2) If the Secretary cannot provide a certification under paragraph (1) for a State or local agency, the Secretary may not transfer additional property to that agency under this section.

''(h) CONDITIONS FOR EXTENSION OF PROGRAM.—Notwithstanding any other provision of law, amounts authorized to be appropriated or otherwise made available for any fiscal year may not be obligated or expended to carry out this section unless the Secretary submits to the appropriate committees of Congress a certification, for the preceding fiscal year, that—

''(1) each non-Federal agency that has received personal property under this section has—

''(A) demonstrated full and complete accountability for all such property, in accordance with paragraph (2); or

''(B) been suspended or terminated from the program pursuant to paragraph (3);

''(2) the State Coordinator responsible for each non-Federal agency that has received property under this section has verified that—

''(A) the State Coordinator or an agent of the State Coordinator has conducted an inventory of the property transferred to the agency; and

''(B)(i) all property transferred to the agency was accounted for during the inventory described in subparagraph (A); or

''(ii) the agency has been suspended or terminated from the program pursuant to paragraph (3);

''(3) with respect to any non-Federal agency that has received property under this section for which all of such property was not accounted for during an inventory described in paragraph (2), the eligibility of the agency to receive property transferred under this section has been suspended or terminated; and

''(4) each State Coordinator has certified, for each non-Federal agency located in the State for which the State Coordinator is responsible, that—

''(A) the agency has complied with all requirements under this section; or

''(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated.

''(i) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—(1) The Secretary shall submit to the appropriate committees of Congress each year a certification in writing that each recipient to which the Secretary has transferred personal property under this section during the preceding fiscal year—

''(A) has provided to the Secretary documentation accounting for all property the Secretary has previously transferred to such recipient under this section; and

''(B) has complied with paragraphs (5) and (6) of subsection (b) with respect to the property so transferred during such fiscal year.

''(2) If the Secretary cannot provide a certification under paragraph (1) for a recipient, the Secretary may not transfer additional property to such recipient under this section, effective as of the date on which the Secretary would otherwise make the certification under this subsection, and such recipient shall be suspended or terminated from further receipt of property under this section.

''(j) REPORTS TO CONGRESS.—Not later than 30 days after the last day of a fiscal year, the Secretary shall submit to Congress a report on the following for the preceding fiscal year:

''(1) The percentage of equipment lost by recipients of property transferred under this section, including specific information about the type of property lost, the monetary value of such property, and the recipient that lost the property.

''(2) The transfer of items under this section classified under Supply Condition Code A, including specific information about the type of property, the recipient of the property, the original acquisition value of each item of the property, and the total original acquisition of all such property transferred during the fiscal year.

''(k) PUBLICLY ACCESSIBLE WEBSITE ON TRANSFERRED CONTROLLED PROPERTY.—(1) The Secretary shall create, maintain, and update on a quarterly basis a publicly available internet website that provides information, in a searchable format, on the controlled property transferred under this section and the recipients of such property.

''(2) The contents of the internet website required under paragraph (1) shall include all publicly accessible unclassified information pertaining to the request, transfer, denial, and repossession of controlled property under this section, including—

''(A) a current inventory of all controlled property transferred to Federal and State agencies under this section, listed by—

''(i) the name of the Federal agency, or the State, county, and recipient agency;

''(ii) the item name, item type, and item model;

''(iii) the date on which such property was transferred; and

''(iv) the current status of such item;

''(B) all pending requests for transfers of controlled property under this section, including the information submitted by the Federal and State agencies requesting such transfers;

''(C) a list of each agency suspended or terminated from further receipt of property under this section, including any State, county, or local agency, and the reason for and duration of such suspension or termination; and

''(D) all reports required to be submitted to the Secretary under this section by Federal and State agencies that receive controlled property under this section.

''(l) DEFINITIONS.—In this section:

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

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

''(B) the Committee on Armed Services and the Committee on Oversight and Reform of the House of Representatives.

''(2) The term 'agent of a State Coordinator' means any individual to whom a State Coordinator formally delegates responsibilities for the duties of the State Coordinator to conduct inventories described in subsection (h)(2).

''(3) The term 'controlled property' means any item assigned a demilitarization code of B, C, D, E, G, or Q under Department of Defense Manual 4160.21–M, 'Defense Materiel Disposition Manual', or any successor document.

''(4) The term 'State Coordinator', with respect to a State, means the individual appointed by the governor of the State to maintain property accountability records and oversee property use by the State.''.

(b) INTERAGENCY LAW ENFORCEMENT EQUIPMENT WORKING GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of Defense and the Secretary of Homeland Security, shall establish an interagency Law Enforcement Equipment Working Group (referred to in this subsection as the ''Working Group'') to support oversight and policy development functions for controlled equipment programs.

(2) PURPOSE.—The Working Group shall—

(A) examine and evaluate the Controlled and Prohibited Equipment Lists for possible additions or deletions;

(B) track law enforcement agency controlled equipment inventory;

(C) ensure Government-wide criteria to evaluate requests for controlled equipment;

(D) ensure uniform standards for compliance reviews;

(E) harmonize Federal programs to ensure the programs have consistent and transparent policies with respect to the acquisition of controlled equipment by law enforcement agencies;

(F) require after-action analysis reports for significant incidents involving federally provided or federally funded controlled equipment;

(G) develop policies to ensure that law enforcement agencies abide by any limitations or affirmative obligations imposed on the acquisition of controlled equipment or receipt of funds to purchase controlled equipment from the Federal Government and the obligations resulting from receipt of Federal financial assistance;

(H) require a State and local governing body to review and authorize a law enforcement agency's request for or acquisition of controlled equipment;

(I) require that law enforcement agencies participating in Federal controlled equipment programs receive necessary training regarding appropriate use of controlled equipment and the implementation of obligations resulting from receipt of Federal financial assistance, including training on the protection of civil rights and civil liberties;

(J) provide uniform standards for suspending law enforcement agencies from Federal controlled equipment programs for specified violations of law, including civil rights laws, and ensuring those standards are implemented consistently across agencies; and

(K) create a process to monitor the sale or transfer of controlled equipment from the Federal Government or controlled equipment purchased with funds from the Federal Government by law enforcement agencies to third parties.

(3) COMPOSITION.—

(A) IN GENERAL.—The Working Group shall be co-chaired by the Attorney General, the Secretary of Defense, and the Secretary of Homeland Security.

(B) MEMBERSHIP.—The Working Group shall be comprised of—

(i) representatives of interested parties, who are not Federal employees, including appropriate State, local, and Tribal officials, law enforcement organizations, civil rights and civil liberties organizations, and academics; and

(ii) the heads of such other Federal agencies and offices as the Co-Chairs may, from time to time, designate.

(C) DESIGNATION.—A member of the Working Group described in subparagraph (A) or (B)(ii) may designate a senior-level official from the agency or office represented by the member to perform the day-to-day Working Group functions of the member, if the designated official is a full-time officer or employee of the Federal Government.

(D) SUBGROUPS.—At the direction of the Co-Chairs, the Working Group may establish subgroups consisting exclusively of Working Group members or their designees under this subsection, as appropriate.

(E) EXECUTIVE DIRECTOR.—

(i) IN GENERAL.—There shall be an Executive Director of the Working Group, to be appointed by the Attorney General.

(ii) RESPONSIBILITIES.—The Executive Director appointed under clause (i) shall determine the agenda of the Working Group, convene regular meetings, and supervise the work of the Working Group under the direction of the Co-Chairs.

(iii) FUNDING.—

(I) IN GENERAL.—To the extent permitted by law and using amounts already appropriated, the Attorney General shall fund, and provide administrative support for, the Working Group.

(II) REQUIREMENT.—Each agency shall bear its own expenses for participating in the Working Group.

(F) COORDINATION WITH THE DEPARTMENT OF HOMELAND SECURITY.—In general, the Working Group shall coordinate with the Homeland Security Advisory Council of the Department of Homeland Security to identify areas of overlap or potential national preparedness implications of further changes to Federal controlled equipment programs.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(c) REPORT ON DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES.—

(1) APPROPRIATE RECIPIENTS DEFINED.—In this subsection, the term ''appropriate recipients'' means—

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

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

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

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

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense, in consultation with the Attorney General and the Secretary of Homeland Security, shall submit a report to the appropriate recipients.

(3) CONTENTS.—The report required under paragraph (2) shall contain—

(A) a review of the efficacy of the surplus equipment transfer program under section 1033 of title 10, United States Code; and

(B) a determination of whether to recommend continuing or ending the program described in subparagraph (A) in the future.

SA 6396. Mr. KING (for himself, Mr. CORNYN, Mr. KAINE, Mr. CRAMER, Ms. HIRONO, Mr. ROUNDS, Ms. ROSEN, Mr. CARPER, Mr. MANCHIN, Mr. BLUMENTHAL, Mr. TILLIS, Mr. YOUNG, Ms. COLLINS, Mr. SASSE, 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 end of subtitle D of title XII, add the following:

SEC. 1254. CHINA GRAND STRATEGY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission, to be known as the ''China Grand Strategy Commission'' (in this section referred to as the ''Commission''), to develop a consensus on a comprehensive grand strategy and whole-of-government approach with respect to the United States relationship with the People's Republic of China for purposes of—

(1) ensuring a holistic approach toward the People's Republic of China across all Federal departments and agencies; and

(2) defining specific steps necessary to build a stable international order that accounts for the People's Republic of China's participation in that order; and

(3) providing actionable recommendations with respect to the United States relationship with the People's Republic of China, which are aimed at protecting and strengthening United States national security interests.

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of the following members:

(i) The Deputy National Security Advisor.

(ii) The Deputy Secretary of Defense.

(iii) The Deputy Secretary of State.

(iv) The Deputy Secretary of the Treasury.

(v) The Deputy Secretary of Commerce.

(vi) The Principal Deputy Director of National Intelligence.

(vii) Three members appointed by the majority leader of the Senate, in consultation with the chairperson of the Committee on Armed Services of the Senate, one of whom shall be a Member of the Senate and two of whom shall not be.

(viii) Three members appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Armed Services of the Senate, one of whom shall be a Member of the Senate and two of whom shall not be.

(ix) Three members appointed by the Speaker of the House of Representatives, in consultation with the chairperson of the Committee on Armed Services of the House of Representatives, one of whom shall be a Member of the House of Representatives and two of whom shall not be.

(x) Three members appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Armed Services of the House of Representatives, one of whom shall be a Member of the House of Representatives and two of whom shall not be.

(B) QUALIFICATIONS.—The members described in clauses (vii) through (x) of subparagraph (A) who are not Members of Congress shall be individuals who are nationally recognized and have well-documented expertise, knowledge, or experience in—

(i) the history, culture, economy, or national security policies of the People's Republic of China;

(ii) the United States economy;

(iii) the use of intelligence information by national policymakers and military leaders;

(iv) the implementation, funding, or oversight of the foreign and national security policies of the United States; or

(v) the implementation, funding, or oversight of economic and trade policies of the United States.

(C) AVOIDANCE OF CONFLICTS OF INTEREST.—An official who appoints members of the Commission may not appoint an individual as a member of the Commission if such individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(2) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The Commission shall have two co-chairpersons, selected from among the members of the Commission, of whom—

(i) one co-chairperson shall be a member of the Democratic Party; and

(ii) one co-chairperson shall be a member of the Republican Party.

(B) CONSENSUS.—The individuals selected to serve as the co-chairpersons of the Commission shall be jointly agreed upon by the President, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

(c) APPOINTMENT; INITIAL MEETING.—

(1) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(2) INITIAL MEETING.—The Commission shall hold its initial meeting on or before the date that is 60 days after the date of the enactment of this Act.

(d) MEETINGS; QUORUM; VACANCIES.—

(1) IN GENERAL.—After its initial meeting, the Commission shall meet upon the call of the co-chairpersons of the Commission.

(2) QUORUM.—Ten members of the Commission shall constitute a quorum for purposes of conducting business, except that two members of the Commission shall constitute a quorum for purposes of receiving testimony.

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

(4) QUORUM WITH VACANCIES.—If vacancies on the Commission occur on any day after the date that is 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day.

(e) ACTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this section. The actions of any such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered to be the findings and determinations of the Commission unless approved by the Commission.

(3) DELEGATION.—Any member, agent, or staff member of the Commission may, if authorized by the co-chairpersons of the Commission, take any action that the Commission is authorized to take pursuant to this section.

(f) DUTIES OF COMMISSION.—The duties of the Commission are as follows:

(1) To define the core objectives and priorities of the strategy described in subsection (a).

(2) To provide definitions of the terms ''grand strategy'' and ''stable international order'' as such terms relate to United States national security interests and policy toward the People's Republic of China.

(3) To recommend steps toward a stable international order that includes the People's Republic of China that accounts for the People's Republic of China's participation in that order.

(4) To consider the manner in which the United States and the allies and partners of the United States cooperate and compete with the People's Republic of China and to identify areas for such cooperation and competition.

(5) To consider methods for recalibrating economic ties with the People's Republic of China, and any necessary modifications to such ties that may be undertaken by the United States Government.

(6) To consider methods for recalibrating additional non-economic ties with the People's Republic of China, and any necessary modifications to such ties to be undertaken by the United States Government, including research, political, and security ties.

(7) To understand the linkages across multiple levels of the Federal Government with respect to United States policy toward the People's Republic of China.

(8) To seek to protect and strengthen global democracy and democratic norms.

(9) To understand the history, culture, and goals of the People's Republic of China and to consider the manner in which the People's Republic of China defines and seeks to implement its goals.

(10) To review—

(A) the strategies and intentions of the People's Republic of China that affect United States national and global interests;

(B) the purpose and efficacy of current programs for the defense of the United States; and

(C) the capabilities of the Federal Government for understanding whether, and the manner in which, the People's Republic of China is currently being deterred or thwarted in its aims and ambitions, including in cyberspace.

(11) To detail and evaluate current United States policy and strategic interests, including the pursuit of a free and open Indo-Pacific region, with respect to the People's Republic of China, and the manner in which United States policy affects the policy of the People's Republic of China.

(12) To assess the manner in which the invasion of Ukraine by the Russian Federation may have impacted the People's Republic of China's calculations on an invasion of Taiwan and the implications of such impact on the prospects for short-term, medium-term, and long-term stability in the Taiwan Strait.

(13) In evaluating options for such strategy, to consider possible structures and authorities that need to be established, revised, or augmented within the Federal Government to maintain United States national security interests in relation to policy toward the People's Republic of China.

(g) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, as delegated by the co-chairpersons of the Commission, any panel or member 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 designated panel or designated member, considers necessary; and

(B) subject to paragraph (2), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated panel or designated member considers necessary.

(2) SUBPOENAS.—

(A) IN GENERAL.—Subpoenas may be issued under paragraph (1)(B) under the signature of the co-chairpersons of the Commission, and may be served by any person designated by such co-chairpersons.

(B) FAILURE TO COMPLY.—The provisions of sections 102 through 104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of a witness to comply with any subpoena or to testify when summoned under authority of this section.

(3) CONTRACTS.—The Commission may, to such extent and in such amounts as are provided in advance in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section.

(B) FURNISHING INFORMATION.—Each such department, agency, bureau, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by a co-chairperson of the Commission.

(C) HANDLING OF CLASSIFIED INFORMATION.—The Commission shall handle and protect all classified information provided to it under this section in accordance with applicable law.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) SECRETARY OF DEFENSE.—The Secretary of Defense shall provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission's duties under this section.

(B) OTHER DEPARTMENTS AND AGENCIES.—Other Federal departments and agencies may provide the Commission such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(C) COOPERATION.—The Commission shall receive the full and timely cooperation of any official, department, or agency of the Federal Government whose assistance is necessary, as jointly determined by the co-chairpersons of the Commission, for the fulfillment of the duties of the Commission, including the provision of full and current briefings and analyses.

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

(7) GIFTS.—A member or staff of the Commission may not receive a gift or benefit by reason of the service of such member or staff to the Commission.

(h) STAFF AND COMPENSATION.—

(1) STAFF.—

(A) COMPENSATION.—The co-chairpersons of the Commission, in accordance with rules agreed upon by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, 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 to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall retain the rights, status, and privileges of his or her regular employment without interruption.

(2) COMMISSION MEMBERS.—

(A) COMPENSATION.—

(i) IN GENERAL.—Subject to clause (ii) and except as provided in subparagraph (B), each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Commission under this section.

(ii) MEMBERS OF CONGRESS AND FEDERAL EMPLOYEES.—Members of the Commission who are Members of Congress or officers or employees of the Federal Government may not receive additional pay by reason of their service on the Commission.

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

(3) CONSULTANT SERVICES.—The Commission may 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 such title.

(4) SECURITY CLEARANCES FOR COMMISSION MEMBERS, STAFF, AND CONSULTANTS.—

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

(B) EXPEDITED PROCESSING.—The Office of Senate Security and the Office of House Security shall ensure the expedited processing of appropriate security clearances for personnel appointed to the Commission by their respective Senate and House of Representatives offices under processes developed for the clearance of legislative branch employees.

(i) TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.—

(1) IN GENERAL.—The Director of National Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this section.

(2) APPROVAL REQUIRED.—Information related to the national security of the United States that is provided to the Commission by the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Armed Services of the Senate, or the Committee on Armed Services of the House of Representatives may not be further provided or released without the approval of the chairperson of such committee.

(3) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under subsection (k), only the members and designated staff of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, the Director of National Intelligence (and the designees of the Director), and such other officials of the executive branch as the President may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

(j) REPORT.—

(1) IN GENERAL.—Not later than September 1, 2025, the Commission shall submit to the appropriate committees of Congress, the Assistant to the President for National Security Affairs, the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, and the Director of National Intelligence a final report on the findings and recommendations of the Commission.

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

(k) TERMINATION OF COMMISSION.—

(1) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate at the end of the 120-day period beginning on the date on which the final report is submitted under subsection (j).

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

(l) ASSESSMENTS OF FINAL REPORT.—Not later than 60 days after the date on which the final report required by subsection (j) is submitted, the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, and the Director of National Intelligence shall each submit to the appropriate committees of Congress an assessment of the final report that includes such comments on the findings and recommendations contained in the final report as the Director or Secretary, as applicable, considers appropriate.

(m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) FREEDOM OF INFORMATION ACT.—The provisions of section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), shall not apply to the activities, records, and proceedings of the Commission under this section.

(n) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by this Act for fiscal year 2023 for the Department of Defense, $5,000,000 shall be made available to carry out this section, to remain available until the termination of the Commission.

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

(1) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, and the Committee on Finance of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Affairs, and the Committee on Financial Services of the House of Representatives.

SA 6397. Mr. BENNET (for himself, Mr. SASSE, and 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 in title X, insert the following:

SEC. _____. 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.

SA 6398. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe 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—ELECTORAL COUNT REFORM AND PRESIDENTIAL TRANSITION IMPROVEMENT

SEC. 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This division may be cited as the ''Electoral Count Reform and Presidential Transition Improvement Act of 2022''.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

TITLE I—ELECTORAL COUNT REFORM ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Electoral Count Reform Act of 2022''.

SEC. 102. TIME FOR APPOINTING ELECTORS.

(a) IN GENERAL.—Title 3, United States Code, is amended by striking sections 1 and 2 and inserting the following:

''§ 1. Time of appointing electors

''The electors of President and Vice President shall be appointed, in each State, on election day, in accordance with the laws of the State enacted prior to election day.''.

(b) ELECTION DAY.—Section 21 of title 3, United States Code, is amended by redesignating subsections (a) and (b) as paragraphs (2) and (3), respectively, and by inserting before paragraph (2) (as so redesignated) the following:

''(1) 'election day' means the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President held in each State, except, in the case of a State that appoints electors by popular vote, if the State modifies the period of voting, as necessitated by force majeure events that are extraordinary and catastrophic, as provided under laws of the State enacted prior to such day, 'election day' shall include the modified period of voting.''.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 1 and inserting the following:

''1. Time of appointing electors.''.

SEC. 103. CLARIFICATION WITH RESPECT TO VACANCIES IN ELECTORAL COLLEGE.

Section 4 of title 3, United States Code, is amended by inserting ''enacted prior to election day'' after ''by law''.

SEC. 104. CERTIFICATE OF ASCERTAINMENT OF APPOINTMENT OF ELECTORS.

(a) DETERMINATION.—Section 5 of title 3, United States Code, is amended to read as follows:

''§ 5. Certificate of ascertainment of appointment of electors

''(a) IN GENERAL.—

''(1) CERTIFICATION.—Not later than the date that is 6 days before the time fixed for the meeting of the electors, the executive of each State shall issue a certificate of ascertainment of appointment of electors, under and in pursuance of the laws of such State providing for such appointment and ascertainment enacted prior to election day.

''(2) FORM OF CERTIFICATE.—Each certificate of ascertainment of appointment of electors shall—

''(A) set forth the names of the electors appointed and the canvass or other determination under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast;

''(B) bear the seal of the State; and

''(C) contain at least one security feature, as determined by the State, for purposes of verifying the authenticity of such certificate.

''(b) TRANSMISSION.—It shall be the duty of the executive of each State—

''(1) to transmit to the Archivist of the United States, immediately after the issuance of the certificate of ascertainment of appointment of electors and by the most expeditious method available, such certificate of ascertainment of appointment of electors; and

''(2) to transmit to the electors of such State, on or before the day on which the electors are required to meet under section 7, six duplicate-originals of the same certificate.

''(c) TREATMENT OF CERTIFICATE AS CONCLUSIVE.—For purposes of section 15:

''(1) IN GENERAL.—

''(A) INITIAL CERTIFICATE.—Except as provided in subparagraph (B), the certificate of ascertainment of appointment of electors issued pursuant to subsection (a)(1) shall be treated as conclusive in Congress with respect to the determination of electors appointed by the State.

''(B) CERTIFICATES ISSUED PURSUANT TO COURT ORDERS.—Any certificate of ascertainment of appointment of electors required to be issued or revised by any State or Federal judicial relief granted prior to the date of the meeting of electors shall replace and supersede any other certificates submitted pursuant to this section.

''(2) DETERMINATION OF FEDERAL QUESTIONS.—The determination of Federal courts on questions arising under the Constitution or laws of the United States with respect to a certificate of ascertainment of appointment of electors shall be conclusive in Congress.

''(d) VENUE AND EXPEDITED PROCEDURE.—

''(1) IN GENERAL.—Any action brought by an aggrieved candidate for President or Vice President that arises under the Constitution or laws of the United States with respect to the issuance of the certification required under section (a)(1), or the transmission of such certification as required under subsection (b), shall be subject to the following rules:

''(A) VENUE.—The venue for such action shall be the Federal district court of the Federal district in which the State capital is located.

''(B) 3-JUDGE PANEL.—Such action shall be heard by a district court of three judges, convened pursuant to section 2284 of title 28, United States Code, except that—

''(i) the court shall be comprised of two judges of the circuit court of appeals in which the district court lies and one judge of the district court in which the action is brought; and

''(ii) section 2284(b)(2) of such title shall not apply.

''(C) EXPEDITED PROCEDURE.—It shall be the duty of the court to advance on the docket and to expedite to the greatest possible extent the disposition of the action, consistent with all other relevant deadlines established by this chapter and the laws of the United States.

''(D) APPEALS.—Notwithstanding section 1253 of title 28, United States Code, the final judgment of the panel convened under subparagraph (B) may be reviewed directly by the Supreme Court, by writ of certiorari granted upon petition of any party to the case, on an expedited basis, so that a final order of the court on remand of the Supreme Court may occur on or before the day before the time fixed for the meeting of electors.

''(2) RULE OF CONSTRUCTION.—This subsection—

''(A) shall be construed solely to establish venue and expedited procedures in any action brought by an aggrieved candidate for President or Vice President as specified in this subsection that arises under the Constitution or laws of the United States; and

''(B) shall not be construed to preempt or displace any existing State or Federal cause of action.''.

(b) EXECUTIVE OF A STATE.—Section 21 of title 3, United States Code, as amended by section 102(b), is amended by striking paragraph (3) and inserting the following:

''(3) 'executive' means, with respect to any State, the Governor of the State (or, in the case of the District of Columbia, the Mayor of the District of Columbia), except when the laws or constitution of a State in effect as of election day expressly require a different State executive to perform the duties identified under this chapter.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 9 of title 3, United States Code, is amended by striking ''annex to each of the certificates one of the lists of the electors'' and inserting ''annex to each of the certificates of votes one of the certificates of ascertainment of appointment of electors''.

(2) The table of contents for chapter 1 of title 3, United States Code, is amended by striking the items relating to sections 5 inserting the following:

''5. Certificate of ascertainment of appointment of electors.''.

SEC. 105. DUTIES OF THE ARCHIVIST.

(a) IN GENERAL.—Section 6 of title 3, United States Code, is amended to read as follows:

''§ 6. Duties of Archivist

''The certificates of ascertainment of appointment of electors received by the Archivist of the United States under section 5 shall—

''(1) be preserved for one year;

''(2) be a part of the public records of such office; and

''(3) be open to public inspection.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United States Code, is amended by striking the items relating to section 6 and inserting the following:

''6. Duties of Archivist.''.

SEC. 106. MEETING OF ELECTORS.

(a) TIME FOR MEETING.—Section 7 of title 3, United States Code, is amended—

(1) by striking ''Monday'' and inserting ''Tuesday''; and

(2) by striking ''as the legislature of such State shall direct'' and inserting ''in accordance with the laws of the State enacted prior to election day''.

(b) CLARIFICATION ON SEALING OF CERTIFICATES OF VOTES.—Section 10 of such title is amended by striking ''the certificates so made by them'' and inserting ''the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors,''.

SEC. 107. TRANSMISSION OF CERTIFICATES OF VOTES.

(a) IN GENERAL.—Section 11 of title 3, United States Code, is amended to read as follows:

''§ 11. Transmission of certificates by electors

''The electors shall immediately transmit at the same time and by the most expeditious method available the certificates of votes so made by them, together with the annexed certificates of ascertainment of appointment of electors, as follows:

''(1) One set shall be sent to the President of the Senate at the seat of government.

''(2) Two sets shall be sent to the chief election officer of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by such official for one year and shall be a part of the public records of such office and shall be open to public inspection.

''(3) Two sets shall be sent to the Archivist of the United States at the seat of government, one of which shall be held subject to the order of the President of the Senate and the other of which shall be preserved by the Archivist of the United States for one year and shall be a part of the public records of such office and shall be open to public inspection.

''(4) One set shall be sent to the judge of the district in which the electors shall have assembled.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 11 and inserting the following:

''11. Transmission of certificates by electors.''.

SEC. 108. FAILURE OF CERTIFICATE OF VOTES TO REACH RECIPIENTS.

(a) IN GENERAL.—Section 12 of title 3, United States Code, is amended—

(1) by inserting '', after the meeting of the electors shall have been held,'' after ''When'';

(2) by striking ''in December, after the meeting of the electors shall have been held,'' and inserting ''in December,'';

(3) by striking ''or, if he be absent'' and inserting ''or, if the President of the Senate be absent'';

(4) by striking ''secretary of State'' and insert ''chief election officer of the State'';

(5) by striking ''and list'';

(6) by striking ''lodged with him'' and inserting ''lodged with such officer'';

(7) by striking ''his duty'' and inserting ''the duty of such chief election officer of the State''; and

(8) by striking ''by registered mail'' and inserting ''by the most expeditious method available''.

(b) CONTINUED FAILURE.—Section 13 of title 3, United States Code, is amended—

(1) by inserting '', after the meeting of the electors shall have been held,'' after ''When'';

(2) by striking ''in December, after the meeting of the electors shall have been held,'' and inserting ''in December,'';

(3) by striking ''or, if he be absent'' and inserting ''or, if the President of the Senate be absent''; and

(4) by striking ''that list'' and inserting ''that certificate''.

(c) ELIMINATION OF MESSENGER'S PENALTY.—

(1) IN GENERAL.—Title 3, United States Code, is amended by striking section 14.

(2) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 14.

SEC. 109. CLARIFICATIONS RELATING TO COUNTING ELECTORAL VOTES.

(a) IN GENERAL.—Section 15 of title 3, United States Code, is amended to read as follows:

''§ 15. Counting electoral votes in Congress

''(a) IN GENERAL.—Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer.

''(b) POWERS OF THE PRESIDENT OF SENATE.—

''(1) MINISTERIAL IN NATURE.—Except as otherwise provided in this chapter, the role of the President of the Senate while presiding over the joint meeting shall be limited to performing solely ministerial duties.

''(2) POWERS EXPLICITLY DENIED.—The President of the Senate shall have no power to solely determine, accept, reject, or otherwise adjudicate or resolve disputes over the proper list of electors, the validity of electors, or the votes of electors.

''(c) APPOINTMENT OF TELLERS.—At the joint meeting of the Senate and House of Representatives described in subsection (a), there shall be present two tellers previously appointed on the part of the Senate and two tellers previously appointed on the part of the House of Representatives by the presiding officers of the respective chambers.

''(d) PROCEDURE AT JOINT MEETING GENERALLY.—

''(1) IN GENERAL.—The President of the Senate shall—

''(A) open the certificates and papers purporting to be certificates of the votes of electors appointed pursuant to a certificate of ascertainment of appointment of electors issued pursuant to section 5, in the alphabetical order of the States, beginning with the letter A; and

''(B) upon opening any certificate, hand the certificate and any accompanying papers to the tellers, who shall read the same in the presence and hearing of the two Houses.

''(2) ACTION ON CERTIFICATE.—

''(A) IN GENERAL.—Upon the reading of each certificate or paper, the President of the Senate shall call for objections, if any.

''(B) REQUIREMENTS FOR OBJECTIONS.—

''(i) OBJECTIONS.—No objection shall be in order unless the objection—

''(I) is made in writing;

''(II) is signed by at least one-fifth of the Senators duly chosen and sworn and one-fifth of the Members of the House of Representatives duly chosen and sworn; and

''(III) states clearly and concisely, without argument, one of the grounds listed under clause (ii).

''(ii) GROUNDS FOR OBJECTIONS.—The only grounds for objections shall be as follows:

''(I) The electors of the State were not lawfully certified under a certificate of ascertainment of appointment of electors according to section 5(a)(1).

''(II) The vote of one or more electors has not been regularly given.

''(C) CONSIDERATION OF OBJECTIONS.—

''(i) IN GENERAL.—When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision.

''(ii) DETERMINATION.—No objection may be sustained unless such objection is sustained by separate concurring votes of each House.

''(D) RECONVENING.—When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

''(e) RULES FOR TABULATING VOTES.—

''(1) COUNTING OF VOTES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B)—

''(i) only the votes of electors who have been appointed under a certificate of ascertainment of appointment of electors issued pursuant to section 5, or who have legally been appointed to fill a vacancy of any such elector pursuant to section 4, may be counted; and

''(ii) no vote of an elector described in clause (i) which has been regularly given shall be rejected.

''(B) EXCEPTION.—The vote of an elector who has been appointed under a certificate of ascertainment of appointment of electors issued pursuant to section 5 shall not be counted if—

''(i) there is an objection which meets the requirements of subsection (d)(2)(B)(i); and

''(ii) each House affirmatively sustains the objection as valid.

''(2) DETERMINATION OF MAJORITY.—If the number of electors lawfully appointed by any State pursuant to a certificate of ascertainment of appointment of electors that is issued under section 5 is fewer than the number of electors to which the State is entitled under section 3, or if an objection the grounds for which are described in subsection (d)(2)(B)(ii)(I) has been sustained, the total number of electors appointed for the purpose of determining a majority of the whole number of electors appointed as required by the Twelfth Amendment to the Constitution shall be reduced by the number of electors whom the State has failed to appoint or as to whom the objection was sustained.

''(3) LIST OF VOTES BY TELLERS; DECLARATION OF WINNER.—The tellers shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules in this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 15 and inserting the following:

''15. Counting electoral votes in Congress.''.

SEC. 110. RULES RELATING TO JOINT MEETING.

(a) LIMIT OF DEBATE IN EACH HOUSE.—Section 17 of title 3, United States Code, is amended to read as follows:

''§ 17. Same; limit of debate in each House

''When the two Houses separate to decide upon an objection pursuant to section 15(d)(2)(C)(i) that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter—

''(1) all such objections and questions permitted with respect to such State shall be considered at such time;

''(2) each Senator and Representative may speak to such objections or questions five minutes, and not more than once;

''(3) the total time for debate for all such objections and questions with respect to such State shall not exceed two hours in each House; and

''(4) at the close of such debate, it shall be the duty of the presiding officer of each House to put the objections and questions to a vote without further debate.''.

(b) PARLIAMENTARY PROCEDURE.—Section 18 of title 3, United States Code, is amended by inserting ''under section 15(d)(2)(C)(i)'' after ''motion to withdraw''.

SEC. 111. SEVERABILITY.

(a) IN GENERAL.—Title 3, United States Code, is amended by inserting after section 21 the following new section:

''§ 22. Severability

''If any provision of this chapter, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this chapter, and the application of the provisions to any person or circumstance, shall not be affected by the holding.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 3, United

States Code, is amended by adding at the end the following:

''22. Severability.''.

TITLE II—PRESIDENTIAL TRANSITION IMPROVEMENT ACT

SEC. 201. SHORT TITLE.

This title may be cited as ''Presidential Transition Improvement Act''.

SEC. 202. MODIFICATIONS TO PRESIDENTIAL TRANSITION ACT OF 1963.

(a) IN GENERAL.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by striking subsection (c) and inserting the following:

''(c)(1) APPARENT SUCCESSFUL CANDIDATES.—

''(A) IN GENERAL.—For purposes of this Act, the 'apparent successful candidate' for the office of President and Vice President, respectively, shall be determined as follows:

''(i) If all but one eligible candidate for the office of President and one eligible candidate for the office of Vice President, respectively, concede the election, then the candidate for each such office who has not conceded shall be the apparent successful candidate for each such office.

''(ii) If, on the date that is 5 days after the date of the election, more than one eligible candidate for the office of President has not conceded the election, then each of the remaining eligible candidates for such office and the office of Vice President who have not conceded shall be treated as the apparent successful candidates until such time as a single candidate for the office of President is treated as the apparent successful candidate pursuant to clause (iii) or clause (iv).

''(iii) If a single candidate for the office of President or Vice President is determined by the Administrator to meet the qualifications under subparagraph (B), the Administrator may determine that such candidate shall solely be treated as the apparent successful candidate for that office until such time as a single candidate for the office of President is treated as the apparent successful candidate pursuant to clause (iv).

''(iv) If a single candidate for the office of President or Vice President is the apparent successful candidate for such office under subparagraph (C), that candidate shall solely be treated as the apparent successful candidate for that office.

''(B) INTERIM DISCRETIONARY QUALIFICATIONS.—On or after the date that is 5 days after the date of the election, the Administrator may determine that a single candidate for the office of President or Vice President shall be treated as the sole apparent successful candidate for that office pursuant to subparagraph (A)(iii) if it is substantially certain the candidate will receive a majority of the pledged votes of electors, based on consideration of the following factors:

''(i) The results of the election for such office in States in which significant legal challenges that could alter the outcome of the election in the State have been substantially resolved, such that the outcome is substantially certain.

''(ii) The certified results of the election for such office in States in which the certification is complete.

''(iii) The results of the election for such office in States in which there is substantial certainty of an apparent successful candidate based on the totality of the circumstances.

''(C) MANDATORY QUALIFICATIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A) or (B), a candidate shall be the sole apparent successful candidate for the office of President or Vice President pursuant to subparagraph (A)(iv) for purposes of this Act if—

''(I) the candidate receives a majority of pledged votes of electors of such office based on certifications by States of their final canvass, and the conclusion of any recounts, legal actions, or administrative actions pertaining to the results of the election for such office;

''(II) in the case where subclause (I) is not met, the candidate receives a majority of votes of electors of such office at the meeting and vote of electors under section 7 of title 3, United States Code; or

''(III) in the case where neither subclause (I) or (II) is met, the candidate is declared as the person elected to such office at the joint session of Congress under section 15 of title 3, United States Code.

''(ii) CLARIFICATION IF STATE UNABLE TO CERTIFY ELECTION RESULTS OR APPOINTS MORE THAN ONE SLATE OF ELECTORS.—For purposes of subclauses (I) and (II) of clause (i), if a State is unable to certify its election results or a State appoints more than one slate of electors, the votes of the electors of such State shall not count towards meeting the qualifications under such subclauses.

''(2) PERIOD OF MULTIPLE POSSIBLE APPARENT SUCCESSFUL CANDIDATES.—During any period in which there is more than one possible apparent successful candidate for the office of President—

''(A) the Administrator is authorized to provide, upon request, to each remaining eligible candidate for such office and the office of Vice President described in paragraph (1)(A)(ii) access to services and facilities pursuant to this Act;

''(B) the Administrator, in conjunction with the Federal Transition Coordinator designated under section 4(c) and the senior career employee of each agency and senior career employee of each major component and subcomponent of each agency designated under subsection (f)(1) to oversee and implement the activities of the agency, component, or subcomponent relating to the Presidential transition, shall make efforts to ensure that each such candidate is provided equal access to agency information and spaces as requested pursuant to this Act;

''(C) the Administrator shall provide weekly reports to Congress containing a brief summary of the status of funds being distributed to such candidates under this Act, the level of access to agency information and spaces provided to such candidates, and the status of such candidates with respect to meeting the qualifications to be the apparent successful candidate for the office of President or Vice President under subparagraph (B) or (C) of paragraph (1); and

''(D) if a single candidate for the office of President or Vice President is treated as the apparent successful candidate for such office pursuant to subparagraph (A)(iii) or (A)(iv) of paragraph (1), not later than 24 hours after such treatment is effective, the Administrator shall make available to the public a written statement that such candidate is treated as the sole apparent successful candidate for such office for purposes of this Act, including a description of the legal basis and reasons for such treatment based on the qualifications under subparagraph (B) or (C) of paragraph (1), as applicable.

''(3) DEFINITION.—In this subsection, the term 'eligible candidate' has the meaning given that term in subsection (h)(4).''.

(b) CONFORMING AMENDMENTS.—The Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in section 3—

(A) in the heading, by striking **''PRESIDENTS-ELECT AND VICE-PRESIDENTS-ELECT''** and inserting **''APPARENT SUCCESSFUL CANDIDATES''**;

(B) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''each President-elect, each Vice-President-elect'' and inserting ''each apparent successful candidate for the office of President and Vice President (as determined by subsection (c))''; and

(II) by striking ''the President-elect and Vice-President-elect'' and inserting ''each such candidate'';

(ii) in paragraph (1)—

(I) by striking ''the President-elect, the Vice-President-elect'' and inserting ''the apparent successful candidate''; and

(II) by striking ''the President-elect or Vice-President-elect'' and inserting ''the apparent successful candidate'';

(iii) in paragraphs (2), (3), (4), and (5), by striking ''the President-elect or Vice-President-elect'' each place it appears and inserting ''the apparent successful candidate'';

(iv) in paragraph (4)(B), by striking ''the President-elect, the Vice-President-elect, or the designee of the President-elect or Vice-President-elect'' and inserting ''the apparent successful candidate or their designee'';

(v) in paragraph (8), in subparagraph (A)(v) and (B), by striking ''the President-elect'' and inserting ''the apparent successful candidate for the office of President''; and

(vi) in paragraph (10)—

(I) by striking ''any President-elect, Vice-President-elect, or eligible candidate'' and inserting ''any apparent successful candidate or eligible candidate''; and

(II) by striking ''the President-elect and Vice President-elect'' and inserting ''the apparent successful candidates'';

(C) in subsection (b)—

(i) in paragraph (1), by striking ''the President-elect or Vice-President-elect, or after the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President'' and inserting ''the apparent successful candidates, or after the inauguration of the apparent successful candidate for the office of President as President and the inauguration of the apparent successful candidate for the office of Vice President as Vice President''; and

(ii) in paragraph (2), by striking ''the President-elect, Vice-President-elect'' and inserting ''the apparent successful candidate'';

(D) in subsection (d)—

(i) in the first sentence, by striking ''Each President-elect'' and inserting ''Each apparent successful candidate for the office of President''; and

(ii) in the second sentence, by striking ''Each Vice-President-elect'' and inserting ''Each apparent successful candidate for the office of Vice-President'';

(E) in subsection (e)—

(i) in the first sentence, by striking ''Each President-elect and Vice-President-elect'' and inserting ''Each apparent successful candidate''; and

(ii) in the second sentence, by striking ''any President-elect or Vice-President-elect may be made upon the basis of a certificate by him or the assistant designated by him'' and inserting ''any apparent successful candidate may be made upon the basis of a certificate by the candidate or their designee'';

(F) in subsection (f)—

(i) in paragraph (1), by striking ''The President-elect'' and inserting ''Any apparent successful candidate for the office of President''; and

(ii) in paragraph (2), by striking ''inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President'' and inserting ''inauguration of the apparent successful candidate for the office of President as President and the inauguration of the apparent successful candidate for the office of Vice President as Vice President'';

(G) in subsection (g), by striking ''In the case where the President-elect is the incumbent President or in the case where the Vice-President-elect is the incumbent Vice President'' and inserting ''In the case where an apparent successful candidate for the office of President is the incumbent President or in the case where an apparent successful candidate for the office of Vice President is the incumbent Vice President'';

(H) in subsection (h)—

(i) in paragraph (2)(B)(iv), by striking ''the President-elect or Vice-President-elect'' and inserting ''an apparent successful candidates''; and

(ii) in paragraph (3)(B)(iii), by striking ''the President-elect or Vice-President-elect'' and inserting ''an apparent successful candidates''; and

(I) in subsection (i)(3)(C)—

(i) in clause (i), by striking ''the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President'' and inserting ''the inauguration of the apparent successful candidate for the office of President as President and the inauguration of the apparent successful candidate for the office of Vice President as Vice President''; and

(ii) in clause (ii), by striking ''upon request of the President-elect or the Vice-President-elect'' and inserting ''upon request of the apparent successful candidate'';

(2) in section 4—

(A) in subsection (e)—

(i) in paragraph (1)(B), by striking ''the President-elect and Vice-President-elect'' and inserting ''the apparent successful candidates (as determined by section 3(c))''; and

(ii) in paragraph (4)(B), by striking ''the President-elect is inaugurated'' and inserting ''the apparent successful candidate for the office of President is inaugurated''; and

(B) in subsection (g)—

(i) in paragraph (3)(A), by striking ''the President-elect'' and inserting ''the apparent successful candidate for the office of President''; and

(ii) in paragraph (3)(B)(ii)(III), by striking ''the President-elect'' and inserting ''the apparent successful candidate for the office of President'';

(3) in section 5, in the first sentence, by striking ''Presidents-elect and Vice-Presidents-elect'' and inserting ''apparent successful candidates (as determined by section 3(c))'';

(4) in section 6—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking ''The President-elect and Vice-President-elect'' and inserting ''Each apparent successful candidate (as determined by section 3(c))''; and

(II) by striking ''the President-elect or Vice-President-elect'' and inserting ''the apparent successful candidate'';

(ii) in paragraph (2), by striking ''The President-elect and Vice-President-elect'' and inserting ''Each apparent successful candidate''; and

(iii) in paragraph (3)(A), by striking ''inauguration of the President-elect as President and the Vice-President-elect as Vice President'' and inserting ''inauguration of the apparent successful candidate for the office of President as President and the apparent successful candidate for the office of Vice-President as Vice President'';

(B) in subsection (b)(1)—

(i) in the matter preceding subparagraph (A), by striking ''The President-elect and Vice-President-elect'' and inserting ''Each apparent successful candidate''; and

(ii) in subparagraph (A), by striking ''the President-elect or Vice-President-elect's'' and inserting ''the apparent successful candidate's''; and

(C) in subsection (c), by striking ''The President-elect and Vice-President-elect'' and inserting ''Each apparent successful candidate''; and

(5) in section 7(a)(1), by striking ''the President-elect and Vice President-elect'' and inserting ''the apparent successful candidates''.

SA 6399. 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 appropriate place, insert the following:

SEC. _____. ADDITION OF VIRGIN ISLANDS VISA WAIVER TO GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER.

(a) IN GENERAL.—Section 212(*l*) of the Immigration and Nationality Act (8 U.S.C. 1182(*l*)) is amended to read as follows:

''(*l*) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER PROGRAM; VIRGIN ISLANDS VISA WAIVER PROGRAM.—

''(1) IN GENERAL.—The requirement of subsection (a)(7)(B)(i) may be waived by the Secretary of Homeland Security, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay in Guam or the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, for a period not to exceed 45 days, if the Secretary of Homeland Security, after consultation with the Secretary of the Interior, the Secretary of State, and the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands, or the Governor of the Virgin Islands of the United States, as the case may be, determines that—

''(A) an adequate arrival and departure control system has been developed in Guam and the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States; and

''(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths.

''(2) ALIEN WAIVER OF RIGHTS.—An alien may not be provided a waiver under this subsection unless the alien has waived any right—

''(A) to review or appeal under this Act an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam or the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States; or

''(B) to contest, other than on the basis of an application for withholding of removal under section 241(b)(3) of this Act or under the Convention Against Torture, or an application for asylum if permitted under section 208 of this Act, any action for removal of the alien.

''(3) REGULATIONS.—All necessary regulations to implement this subsection shall be promulgated by the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State. The promulgation of such regulations shall be considered a foreign affairs function for purposes of section 553(a) of title 5, United States Code. At a minimum, such regulations should include, but not necessarily be limited to—

''(A) a listing of all countries whose nationals may obtain the waivers provided by this subsection; and

''(B) any bonding requirements for nationals of some or all of those countries who may present an increased risk of overstays or other potential problems, if different from such requirements otherwise provided by law for nonimmigrant visitors.

''(4) FACTORS.—In determining whether to grant or continue providing the waiver under this subsection to nationals of any country, the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, shall consider all factors that the Secretary of Homeland Security deems relevant, including electronic travel authorizations, procedures for reporting lost and stolen passports, repatriation of aliens, rates of refusal for nonimmigrant visitor visas, overstays, exit systems, and information exchange.

''(5) SUSPENSION.—The Secretary of Homeland Security shall monitor the admission of nonimmigrant visitors to Guam and the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States, under this subsection. If the Secretary determines that such admissions have resulted in an unacceptable number of visitors from a country remaining unlawfully in Guam or the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, unlawfully obtaining entry to other parts of the United States, or seeking withholding of removal or asylum, or that visitors from a country pose a risk to law enforcement or security interests of Guam or the Commonwealth of the Northern Mariana Islands, or of the Virgin Islands of the United States, or of the United States (including the interest in the enforcement of the immigration laws of the United States), the Secretary shall suspend the admission of nationals of such country under this subsection. The Secretary of Homeland Security may in the Secretary's discretion suspend the Guam and Northern Mariana Islands visa waiver program, or the Virgin Islands visa waiver program, at any time, on a country-by-country basis, for other good cause.

''(6) ADDITION OF COUNTRIES.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands, or the Governor of the Virgin Islands of the United States, may request the Secretary of the Interior and the Secretary of Homeland Security to add a particular country to the list of countries whose nationals may obtain the waiver provided by this subsection, and the Secretary of Homeland Security may grant such request after consultation with the Secretary of the Interior and the Secretary of State, and may promulgate regulations with respect to the inclusion of that country and any special requirements the Secretary of Homeland Security, in the Secretary's sole discretion, may impose prior to allowing nationals of that country to obtain the waiver provided by this subsection.''.

(b) REGULATIONS DEADLINE.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, shall promulgate any necessary regulations to implement the waiver provided in the amendment made by subsection (a) for the Virgin Islands of the United States.

(c) WAIVER COUNTRIES.—The regulations described in subsection (b) shall include a listing of all member or associate member countries of the Caribbean Community whose nationals may obtain, on a country-by-country basis, the waiver provided by this section, except that such regulations shall

not provide for a listing of any country if the Secretary of Homeland Security determines that such country's inclusion on such list would represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths, or would increase fraud or abuse of the nonimmigrant visa system.

(d) CONFORMING AMENDMENTS.—

(1) DOCUMENTATION REQUIREMENTS.—Section 212(a)(7)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)(iii)) is amended to read as follows:

''(iii) SPECIAL VISA WAIVER PROGRAMS.—For a provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, see subsection (*l*).''.

(2) ADMISSION OF NONIMMIGRANTS.—Section 214(a)(1) of such Act (8 U.S.C. 1184(a)(1)) is amended by striking ''Guam or the Commonwealth of the Northern Mariana Islands'' each place such term appears and inserting ''Guam or the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States''.

(e) FEES.—The Secretary of Homeland Security shall establish an administrative processing fee to be charged and collected from individuals seeking to enter the Virgin Islands of the United States in accordance with section 212(*l*) of the Immigration and Nationality Act (8 U.S.C. 1182(l)), as amended by this Act. Such fee shall be set at a level that will ensure recovery of the full costs of such processing, any additional costs associated with the administration of the fees collected, and any sums necessary to offset reduced collections of the nonimmigrant visa fee or the electronic travel authorization fee that otherwise would have been collected from such individuals.

SA 6400. 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 appropriate place in title II, insert the following:

SEC. _____. PILOT PROGRAM ON RESEARCH AND DEVELOPMENT OF PLANT-BASED PROTEIN FOR THE NAVY.

(a) ESTABLISHMENT.—Not later than March 1, 2023, the Secretary of the Navy shall establish and carry out a pilot program to offer plant-based protein options at forward operating bases for consumption by members of the Navy.

(b) LOCATIONS.—Not later than March 1, 2023, the Secretary shall identify not fewer than two naval facilities to participate in the pilot program and shall prioritize facilities (such as Joint Region Marianas, Guam, Navy Support Facility, Diego Garcia, and U.S. Fleet Activities Sasebo, Japan) where livestock-based protein options may be costly to obtain or store.

(c) AUTHORITIES.—In establishing and carrying out the pilot program under subsection (a), the Secretary of the Navy may use the following authorities:

(1) The authority to carry out research and development projects under section 4001 of title 10, United States Code.

(2) The authority to enter into transactions other than contracts and grants under section 4021 of such title.

(3) The authority to enter into cooperative research and development agreements under section 4026 of such title.

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to prevent offering livestock-based protein options alongside plant-based protein options at naval facilities identified under subsection (b).

(e) TERMINATION.—The requirement to carry out the pilot program established under this section shall terminate three years after the date on which the Secretary establishes the pilot program required under this section.

(f) REPORT.—Not later than one year after the termination of the pilot program, the Secretary shall submit to the appropriate congressional committees a report on the pilot program that includes the following:

(1) The consumption rate of plant-based protein options by members of the Navy under the pilot program.

(2) Effective criteria to increase plant-based protein options at naval facilities not identified under subsection (b).

(3) An analysis of the costs of obtaining and storing plant-based protein options compared to the costs of obtaining and storing livestock-based protein options at selected naval facilities.

(g) DEFINITIONS.—In this section:

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

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

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

(2) The term ''plant-based protein options'' means edible vegan or vegetarian meat alternative products made using plant and other non-livestock-based proteins.

SA 6401. Mr. BOOKER (for himself, Mr. PORTMAN, Mr. TILLIS, Mr. KAINE, Mr. KING, Mr. BLUNT, Ms. HIRONO, Mrs. CAPITO, Ms. MURKOWSKI, Ms. COLLINS, 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 appropriate place, insert the following:

SEC. _____. ELIMINATION OF INCREASED PENALTIES FOR COCAINE OFFENSES WHERE THE COCAINE INVOLVED IS COCAINE BASE.

(a) CONTROLLED SUBSTANCES ACT.—The following provisions of the Controlled Substances Act (21 U.S.C. 801 et seq.) are repealed:

(1) Clause (iii) of section 401(b)(1)(A) (21 U.S.C. 841(b)(1)(A)).

(2) Clause (iii) of section 401(b)(1)(B) (21 U.S.C. 841(b)(1)(B)).

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—The following provisions of the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) are repealed:

(1) Subparagraph (C) of section 1010(b)(1) (21 U.S.C. 960(b)(1)).

(2) Subparagraph (C) of section 1010(b)(2) (21 U.S.C. 960(b)(2)).

(c) APPLICABILITY TO PENDING AND PAST CASES.—

(1) PENDING CASES.—This section, and the amendments made by this section, shall apply to any sentence imposed after the date of enactment of this Act, regardless of when the offense was committed.

(2) PAST CASES.—In the case of a defendant who, before the date of enactment of this Act, was convicted or sentenced for a Federal offense involving cocaine base, the sentencing court may, on motion of the defendant, the Bureau of Prisons, the attorney for the Government, or on its own motion, impose a reduced sentence after considering the factors set forth in section 3553(a) of title 18, United States Code.

SA 6402. Mr. BOOKER (for himself, Mrs. GILLIBRAND, Mr. MENENDEZ, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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____. NEW YORK-NEW JERSEY WATERSHED PROTECTION.

(a) DEFINITIONS.—In this section:

(1) APPROVED PLAN.—

(A) IN GENERAL.—The term ''approved plan'' means any plan for management of the Watershed—

(i) that has been approved by a Federal, regional, State, Tribal, or local governmental entity, including State Wildlife Action Plans, Comprehensive Conservation Management Plans, and Watershed Improvement Plans; or

(ii) that is determined by the Secretary, in consultation with the entities described in clause (i), to contribute to the achievement of the purposes of this section.

(B) INCLUSIONS.—The term ''approved plan'' includes—

(i) the New York-New Jersey Harbor & Estuary Program (HEP) Action Agenda;

(ii) the Hudson Raritan Comprehensive Restoration Plan;

(iii) the Hudson River Comprehensive Restoration Plan;

(iv) the Hudson River Estuary Program Action Agenda;

(v) the Mohawk River Action Agenda;

(vi) the Sustainable Raritan River Initiative Action Plan;

(vii) the Lower Passaic and Bronx & Harlem Federal Urban Waters Partnership Workplans;

(viii) the New Jersey Sports and Exhibition Authority Meadowlands Restoration Plan; and

(ix) such other conservation projects in the region that achieve the purposes of this section, as determined by the Secretary.

(2) ENVIRONMENTAL JUSTICE.—The term ''environmental justice'', with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, means the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income.

(3) FOUNDATION.—The term ''Foundation'' means the National Fish and Wildlife Foundation.

(4) GRANT PROGRAM.—The term ''grant program'' means the voluntary New York-New Jersey Watershed Restoration Grant Program established under subsection (c)(1).

(5) PROGRAM.—The term ''program'' means the New York-New Jersey Watershed Restoration Program established under subsection (b)(1).

(6) RESTORATION AND PROTECTION.—The term ''restoration and protection'' means the conservation, stewardship, and enhancement of habitat for fish and wildlife, including water quality—

(A) to preserve and improve ecosystems and ecological processes on which those fish and wildlife depend; and

(B) for use and enjoyment by the public.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(8) WATERSHED.—The term ''Watershed'' means the New York-New Jersey Watershed, which is comprised of—

(A) all land area the surface water of which drains into the New York-New Jersey Harbor;

(B) the waters contained within that land area; and

(C) the estuaries associated with those watersheds.

(b) NEW YORK-NEW JERSEY WATERSHED RESTORATION PROGRAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a nonregulatory program, to be known as the ''New York-New Jersey Watershed Restoration Program''.

(2) PURPOSES.—The purposes of the program shall include—

(A) coordinating restoration and protection activities among Federal, State, Tribal, local, and regional entities and conservation partners throughout the Watershed;

(B) carrying out coordinated restoration and protection activities, and providing for technical assistance for those activities, throughout the Watershed—

(i) to sustain and enhance fish and wildlife habitat;

(ii) to improve and maintain water quality to support fish, wildlife, and their habitats, as well as to improve opportunities for public access and recreation in the Watershed consistent with the ecological needs of fish and wildlife habitats;

(iii) to advance the use of natural climate solutions and natural infrastructure, including living shorelines and other green infrastructure techniques, to maximize the resilience of communities, natural systems, and habitats experiencing the impacts of climate change;

(iv) to engage the public, particularly communities experiencing environmental injustice, through outreach, education, and community involvement to increase capacity, support, and workforce development for coordinated restoration and protection activities in the Watershed;

(v) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities in the Watershed;

(vi) to provide for feasibility and planning studies for green infrastructure projects that achieve habitat restoration and stormwater management goals;

(vii) to support land conservation and management activities necessary to fulfill the Watershed-wide strategy adopted under paragraph (3)(C);

(viii) to monitor environmental quality to assess progress toward the purposes of this section; and

(ix) to improve fish and wildlife habitats, as well as opportunities for personal recreation, along rivers and shore fronts within communities experiencing environmental injustice; and

(C) carrying out restoration and protection activities necessary, as determined by the Secretary, for the implementation of approved plans.

(3) DUTIES.—In carrying out the program, the Secretary shall—

(A) draw on existing and new approved plans for the Watershed, or portions of the Watershed;

(B) work in consultation with applicable management entities, including representatives of the New York-New Jersey Harbor and Estuary Program (HEP), the Hudson River Estuary Program, the Mohawk River Basin Program, the Sustainable Raritan River Initiative, the Federal Government, other State and local governments, and regional and nonprofit organizations, including environmental justice organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Watershed; and

(C) adopt a Watershed-wide strategy that—

(i) supports the implementation of a shared set of science-based restoration and protection activities developed in accordance with subparagraph (B);

(ii) targets cost-effective projects with measurable results;

(iii) maximizes conservation outcomes;

(iv) prioritizes the needs of communities experiencing environmental injustice; and

(v) implements the grant program.

(4) CONSULTATION.—In establishing the program, the Secretary shall consult with, as appropriate—

(A) the heads of Federal agencies, including—

(i) the Administrator of the Environmental Protection Agency;

(ii) the Administrator of the National Oceanic and Atmospheric Administration;

(iii) the Secretary of Agriculture;

(iv) the Director of the National Park Service; and

(v) the heads of such other Federal agencies as the Secretary determines to be appropriate;

(B) the Governor of New York;

(C) the Governor of New Jersey;

(D) the Commissioner of the New York State Department of Environmental Conservation;

(E) the Director of the New Jersey Division of Fish and Wildlife;

(F) the New York-New Jersey Harbor & Estuary Program; and

(G) other public agencies, Indian Tribes, and organizations with authority for the planning and implementation of conservation strategies in the Watershed, as determined appropriate by the Secretary.

(c) NEW YORK-NEW JERSEY WATERSHED RESTORATION GRANT PROGRAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a voluntary grant and technical assistance program, to be known as the ''New York-New Jersey Watershed Restoration Grant Program'', to provide competitive matching grants to State, Tribal, and local governments, nonprofit organizations, institutions of higher education, and other eligible entities, as determined by the Secretary, to carry out the coordinated restoration and protection activities described in subsection (b)(2)(B).

(2) CRITERIA.—The Secretary, in consultation with the heads of Federal agencies, organizations, and other persons referred to in subsection (b)(4), shall develop criteria for the grant program to ensure that activities funded under the grant program—

(A) accomplish 1 or more of the purposes identified in subsection (b)(2)(B); and

(B) advance the implementation of priority actions or needs identified in the Watershed-wide strategy adopted under subsection (b)(3)(C).

(3) CAPACITY BUILDING.—In carrying out the grant program, the Secretary shall seek to increase the effectiveness of organizations that carry out restoration and protection activities described in subsection (b)(2)(B) within the Watershed by addressing organizational capacity needs.

(4) COST-SHARE.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Subject to clause (ii), the Federal share of the total cost of a restoration and protection activity carried out under the grant program shall be not more than 50 percent of the total cost, as determined by the Secretary, of that activity.

(ii) SMALL, RURAL, AND DISADVANTAGED COMMUNITIES.—

(I) IN GENERAL.—Subject to subclause (II), the Federal share of the cost of a restoration and protection activity carried out under the grant program that serves a small, rural, or disadvantaged community shall be 90 percent of the total cost of the activity, as determined by the Secretary.

(II) WAIVER.—The Secretary may increase the Federal share under subclause (I) to 100 percent of the total cost of the restoration and protection activity if the Secretary determines that the grant recipient is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the total cost of a restoration and protection activity carried out under the grant program shall be not more than 50 percent of the total cost, as determined by the Secretary, of that activity.

(ii) FORM OF PAYMENT.—The non-Federal described in clause (i) may be provided—

(I) in cash; or

(II) in the form of an in-kind contribution of services or materials.

(5) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary may enter into an agreement to manage the grant program with—

(i) the Foundation; or

(ii) a similar organization that offers grant management services.

(B) FUNDING.—If the Secretary enters into an agreement under subparagraph (A), the Foundation or similar organization selected, as applicable, shall—

(i) receive the amounts made available to carry out the grant program under subsection (e) for each applicable fiscal year in an advance payment of the entire amount on October 1 of that fiscal year, or as soon as practicable thereafter;

(ii) invest and reinvest those amounts for the benefit of the grant program; and

(iii) administer the grant program to support partnerships between the public and private sectors in accordance with this section.

(C) REQUIREMENTS.—If the Secretary enters into an agreement with the Foundation under subparagraph (A), any amounts received by the Foundation under this subsection shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), excluding section 10(a) of that Act (16 U.S.C. 3709(a)).

(d) ANNUAL REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the implementation of this section, including a description of each activity that has received funding under this section in the preceding fiscal year.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for fiscal year 2023.

(2) GRANT PROGRAM.—Of the amounts made available under paragraph (1), the Secretary shall use not less than 75 percent to carry out the grant program, including for technical assistance relating to the grant program.

SA 6403. 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. ____. ADMISSION OF ESSENTIAL SCIENTISTS AND TECHNICAL EXPERTS TO PROMOTE AND PROTECT NATIONAL SECURITY INNOVATION BASE.

(a) SPECIAL IMMIGRANT STATUS.—In accordance with the procedures established under subsection (f)(1), and subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) (and the spouse and each child of the alien if accompanying or following to join the alien) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) submits a classification petition under section 204(a)(1)(G)(i) of such Act (8 U.S.C. 1154(a)(1)(G)(i)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for lawful permanent residence.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if—

(1) the alien—

(A) is a current or past participant in research funded by the Department of Defense;

(B) is a current or past employee or contracted employee of the Department of Defense;

(C) earned a master's, doctoral, or professional degree from an accredited United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or completed a graduate fellowship or graduate medical education at an accredited United States institution of higher education, that entailed research in a field of importance to the national security of the United States, as determined by the Secretary of Defense;

(D) is a current employee of, or has a documented job offer from, a company that develops new technologies or cutting-edge research that contributes to the national security of the United States, as determined by the Secretary of Defense; or

(E) is a founder or co-founder of a United States-based company that develops new technologies or cutting-edge research that contributes to the national security of the United States, as determined by the Secretary of Defense; and

(2) the Secretary of Defense issues a written statement to the Secretary of Homeland Security confirming that the alien possesses scientific or technical expertise that will contribute to the national security of the United States.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed—

(A) 10 in each of fiscal years 2023 through 2032; and

(B) 100 in fiscal year 2033 and each fiscal year thereafter.

(2) EXCLUSION FROM NUMERICAL LIMITATION.—Aliens provided special immigrant status under this section shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(d) DEFENSE COMPETITION FOR SCIENTISTS AND TECHNICAL EXPERTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a process to select, on a competitive basis from among individuals described in subsection (b), individuals for recommendation to the Secretary of Homeland Security for special immigrant status described in subsection (a).

(e) AUTHORITIES.—In carrying out this section, the Secretary of Defense shall authorize appropriate personnel of the Department of Defense to use all personnel and management authorities available to the Department, including the personnel and management authorities provided to the science and technology reinvention laboratories, the Major Range and Test Facility Base (as defined in section 196(i) of title 10, United States Code), and the Defense Advanced Research Projects Agency.

(f) PROCEDURES.—Not later than 360 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly establish policies and procedures implementing the provisions in this section, which shall include procedures for—

(1) processing of petitions for classification submitted under subsection (a)(1) and applications for an immigrant visa or adjustment of status, as applicable; and

(2) thorough processing of any required security clearances.

(g) FEES.—The Secretary of Homeland Security shall establish a fee—

(1) to be charged and collected to process an application filed under this section; and

(2) that is set at a level that will ensure recovery of the full costs of such processing and any additional costs associated with the administration of the fees collected.

(h) IMPLEMENTATION REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report that includes—

(1) a plan for implementing the authorities provided under this section; and

(2) identification of any additional authorities that may be required to assist the Secretaries in fully implementing this section.

(i) PROGRAM EVALUATION AND REPORT.—

(1) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the competitive program and special immigrant program described in subsections (a) through (g).

(2) REPORT.—Not later than October 1, 2026, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the evaluation conducted under paragraph (1).

(j) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

(2) NATIONAL SECURITY INNOVATION BASE.—The term ''National Security Innovation Base'' means the network of persons and organizations, including Federal agencies, institutions of higher education, federally funded research and development centers, defense industrial base entities, nonprofit organizations, commercial entities, and venture capital firms that are engaged in the military and non-military research, development, funding, and production of innovative technologies that support the national security of the United States.

SA 6404. 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 F of title V, add the following:

SEC. 575. PROMOTION OF CERTAIN FOOD AND NUTRITION ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Each Secretary concerned shall promote, to members of the Armed Forces under the jurisdiction of the Secretary, awareness of food and nutrition assistance programs administered by—

(1) the Department of Defense; and

(2) the Department of Agriculture.

(b) REPORTING.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall submit to the appropriate congressional committees a report summarizing activities taken by the Secretary to carry out subsection (a).

(c) DEFINITIONS.—In this section:

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

(A) the congressional defense committees;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(C) the Committee on Agriculture of the House of Representatives.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' has the meaning given that term in section 101 of title 10, United States Code.

SA 6405. 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 in title II, insert the following:

SEC. _____. SUBCONTRACTING REQUIREMENTS FOR MINORITY INSTITUTIONS.

(a) IN GENERAL.—Subchapter III of chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4127. Subcontracting requirements for minority institutions

''(a) IN GENERAL.—(1) The head of an agency shall require that a contract awarded to Department of Defense Federally Funded Research and Development Center or University Affiliated Research Center includes a requirement to establish a partnership to develop the capacity of minority institutions to address the research and development needs of the Department.

''(2) Partnerships established pursuant to paragraph (1) shall be through a subcontract with one or more minority institutions for a total amount of not less than 5 percent of the amount awarded in the contract.

''(b) DEFINITION OF MINORITY INSTITUTION.—In this section, the term 'minority institution' means—

''(1) a part B institution (as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))); or

''(2) any other institution of higher education (as such term is defined in section 101 of such Act (20 U.S.C. 1001)) at which not less than 50 percent of the total student enrollment consists of students from ethnic groups that are underrepresented in the fields of science and engineering.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 of such title is amended by inserting after the item relating to section 4126 the following new item:

''4127. Subcontracting requirements for minority institutions.''.

(c) EFFECTIVE DATE.—The amendments made by paragraph (1) shall—

(1) take effect on October 1, 2026; and

(2) apply with respect to funds that are awarded by the Department of Defense on or after such date.

SA 6406. 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. MILITARY HOUSING FEEDBACK TOOL.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by striking section 2837 and inserting the following new section:

''§ 2837. Military housing feedback tool

''(a) IN GENERAL.—The Secretary of Defense shall provide for a feedback tool, such as a rating system or similar mechanism, under which members of the armed forces and their spouses may anonymously identify, rate, and compare housing under the jurisdiction of the Department of Defense (including housing under subchapter IV of this chapter).

''(b) COMPONENTS.—The tool required under subsection (a) shall include the following components:

''(1) The capability for users to—

''(A) rate housing using multiple quality measures, including safety, the timeliness and quality of maintenance services, and the responsiveness of management;

''(B) upload visual media, including images;

''(C) include written comments; and

''(D) submit an alert for potential major health risks, such as the potential presence of lead paint, asbestos, mold, hazardous materials, contaminated or unsafe drinking water, or serious safety issues, such as potential problems with fire or carbon monoxide detection equipment.

''(2) A comparison feature that can be used to compare ratings for different housing communities.

''(3) Accessibility by members of the armed forces, their family members, and members of Congress.

''(4) An educational feature to help users better identify potential environmental and safety hazards such as lead paint, asbestos, mold, unsafe water, and potentially nonfunctional fire or carbon monoxide detection equipment for the purposes of protecting residents and submitting alerts described in paragraph (1)(D) for potential problems that may need urgent professional attention.

''(c) REPORTING REQUIREMENT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the appropriate congressional committees, and make available to the Secretary concerned, an annual report that includes a summary of the data collected using the feedback tool required under this section during the year covered by the report.

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

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

''(2) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by inserting after the item relating to section 2836 the following new item:

''2837. Military housing feedback tool.''.

SA 6407. 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 D of title XII, add the following:

SEC. 1254. UNITED STATES-INDIA DEFENSE PARTNERSHIP.

(a) SENSE OF CONGRESS ON A STRONG UNITED STATES-INDIA DEFENSE PARTNERSHIP.—It is the sense of Congress that—

(1) a strong United States-India defense partnership rooted in shared democratic values is critical to advancing United States interests in the Indo-Pacific region; and

(2) such partnership between the world's oldest and largest democracies is critical and should continue to be strengthened in response to increasing threats in the Indo-Pacific region so as to send an unequivocal signal that sovereignty and international law must be respected.

(b) UNITED STATES-INDIA INITIATIVE ON CRITICAL AND EMERGING TECHNOLOGIES.—Congress makes the following findings:

(1) The United States-India Initiative on Critical and Emerging Technologies is a welcome and essential step to developing closer partnerships between governments, academia, and industry in the United States and India for the purpose of addressing the latest advances in artificial intelligence, quantum computing, biotechnology, aerospace, and semiconductor manufacturing.

(2) Collaborations between engineers and computer scientists through the United States-India Initiative on Critical and Emerging Technologies are vital to help ensure that the United States, India, and other democracies around the world foster innovation and facilitate technological advances that continue to far outpace the technology of the Russian Federation and the People's Republic of China.

(c) SENSE OF CONGRESS ON BORDER THREATS FROM THE PEOPLE'S REPUBLIC OF CHINA AND RELIANCE ON WEAPONS MANUFACTURED BY RUSSIAN FEDERATION.—It is the sense of Congress that—

(1) India faces immediate and serious regional border threats from the People's Republic of China, with continued military aggression by the Government of the People's Republic of China along the India-People's Republic of China border;

(2) for its national defense, India relies on weapons manufactured by the Russian Federation; and

(3) the United States should take additional steps to encourage India to accelerate its transition away from weapons and defense systems manufactured in the Russian Federation while strongly supporting India's immediate defense needs.

SA 6408. 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 D of title XII, add the following:

SEC. 1254. ELIGIBILITY OF INDIA FOR FOREIGN MILITARY SALES AND EXPORT STATUS UNDER ARMS EXPORT CONTROL ACT.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(1), 36(b)(2), 36(b)(6), 36(c)(2)(A), 36(c)(5), 36(d)(2)(A), 62(c)(1), and 63(a)(2), by inserting ''India,'' before ''or New Zealand'' each place it appears;

(2) in section 3(b)(2), by inserting ''the Government of India,'' before ''or the Government of New Zealand''; and

(3) in sections 21(h)(1)(A) and 21(h)(2), by inserting ''India,'' before ''or Israel'' each place it appears.

SA 6409. 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 G of title X, add the following:

SEC. 1077. SENSE OF SENATE ON INVESTMENT IN WORKFORCE OF DEFENSE INDUSTRIAL BASE.

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

(1) Global supply chain disruptions have become more common, with recent events highlighting risks and vulnerabilities that undermine the national security of the United States.

(2) The February 2022 report of the Department of Defense entitled ''Securing Defense-Critical Supply Chains: An action plan developed in response to President Biden's Executive Order 14017'' and the 2022 industrial capabilities report of the Assistant Secretary of Defense for Industrial Base Policy each outline strategic focus areas and enabling capabilities, and associated vulnerabilities, and provide recommendations to strengthen the defense industrial base.

(3) The Department of Defense relies on a skilled workforce to innovate, produce, and sustain weapon systems.

(4) Decades of erosion across workforce development pipelines jeopardize and threaten the United States industrial base's ability to remain competitive.

(5) The Department of Defense has expressed that a focus area for investment in fiscal year 2023 will be efforts that continue to focus on recruitment, training, and placing skilled workers in support of defense priorities and in support of priority defense programs.

(6) The stated primary effort by the Department of Defense will be a major, multi-year, endeavor with the Navy, focused on ensuring the health and capacity of the submarine workforce of the Department of Defense.

(7) The Industrial Base Analysis and Sustainment program, in partnership with the Navy submarine enterprise, has stated an intent to invest in the development of the necessary training and education programs of the industrial base, with the aim of creating sufficient capability to provide a ''ready to work'', high-skill workforce at the production levels needed to meet the nuclear submarine modernization requirements of the Navy.

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

(1) the Department of Defense should continue investment in the National Imperative for Industrial Skills Initiative; and

(2) accelerate efforts to expand pilot programs under that Initiative as part of a broader push to set up networks of at-scale regional workforce training centers around the United States.

SA 6410. 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 A of title VI, add the following:

SEC. 606. COMPLEX OVERHAUL PAY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations under section 352 of title 37, United States Code, for the payment of special monthly pay (to be known as ''complex overhaul pay'') to a member of the Armed Forces assigned to a naval vessel undergoing nuclear refueling or defueling and any concurrent complex overhaul.

(2) AMOUNT OF PAY.—Complex overhaul pay under paragraph (1) shall equal $200 per month.

(3) RELATIONSHIP TO OTHER PAY OR ALLOWANCES.—Complex overhaul pay under paragraph (1) is in addition to any other pay or allowance to which a member is entitled.

(b) ALLOWABLE TRAVEL AND TRANSPORTATION ALLOWANCES: COMPLEX OVERHAUL.—Section 452(b) of title 37, United States Code, is amended—

(1) by redesignating the second paragraph (18) as paragraph (21); and

(2) by adding at the end the following new paragraphs:

''(22) Permanent change of assignment to or from a naval vessel undergoing nuclear refueling or defueling and any concurrent complex overhaul, even if such assignment is within the same area as the current assignment of the member.

''(23) Current assignment to a naval vessel entering or exiting nuclear refueling or defueling and any concurrent complex overhaul.''.

SA 6411. 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 G of title V, add the following:

SEC. 589. REPORT ON RECRUITING AND PROMOTING ASIAN AMERICANS TO CONTRIBUTE TO THE STRATEGIC MISSION OF THE DEPARTMENT OF DEFENSE.

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

(1) Asian American members of the Armed Forces and civilian employees and contractors of the Department of Defense are critical assets to the Department's ability to execute on its long-term strategies and achieve maximum readiness, including with regard to strategic competition in the Indo-Pacific region; and

(2) greater emphasis on recruitment of Asian American personnel, especially those with language, technical, and cultural competencies, and subsequent promotion to senior leadership and general and flag officer levels, improves the Department's ability to accomplish its mission around the world and in the Indo-Pacific region.

(b) REPORT REQUIRED.—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 that includes—

(1) an assessment of the extent to which the ability of the Department of Defense to implement the National Security Strategic Guidance and National Defense Strategy, as well as the ability of the Department to meet the challenges of strategic competition in the Indo-Pacific region, is supported by recruitment and promotion of Asian Americans, and is negatively impacted by the discrimination faced by Asian Americans; and

(2) an assessment of the current gaps in language, technical, and cultural competencies among personnel of the Department and of any identified benefits from increased Asian American recruitment and promotion.

SA 6412. 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 in title II, insert the following:

SEC. _____. REVIEW OF ARTIFICIAL INTELLIGENCE INVESTMENT.

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

(1) review the current investment into applications of artificial intelligence to the platforms, processes, and operations of the Department of Defense; and

(2) categorize the types of artificial intelligence investments by categories including but not limited to the following:

(A) Automation.

(B) Machine learning.

(C) Autonomy.

(D) Robotics.

(E) Deep learning and neural network.

(F) Natural language processing.

(b) REPORT TO CONGRESS.—Not later than 120 days after the completion of the review and categorization required by subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary with respect to the review and any action taken or proposed to be taken by the Secretary to address such findings; and

(2) an evaluation of how the findings of the Secretary align with stated strategies of the Department of Defense with regard to artificial intelligence and performance objectives established in section 226 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 4001 note).

SA 6413. 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 E of title III, add the following:

SEC. 372. REPORT ON INITIATIVES OF DEPARTMENT OF DEFENSE TO SOURCE LOCALLY AND REGIONALLY PRODUCED FOODS FOR INSTALLATIONS OF THE DEPARTMENT.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report detailing—

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

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

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

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

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

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

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

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

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

SA 6414. 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 in title X, insert the following:

SEC. _____. IMPROVING TRANSPARENCY AND ACCOUNTABILITY OF EDUCATIONAL INSTITUTIONS FOR PURPOSES OF VETERANS EDUCATIONAL ASSISTANCE.

(a) REQUIREMENT RELATING TO G.I. BILL COMPARISON TOOL.—

(1) REQUIREMENT TO MAINTAIN TOOL.—The Secretary of Veterans Affairs shall maintain the G.I. Bill Comparison Tool that was established pursuant to Executive Order 13607 (77 Fed. Reg. 25861; relating to establishing principles of excellence for educational institutions serving service members, veterans, spouses, and other family members) and in effect on the day before the date of the enactment of this Act, or successor tool, to provide relevant and timely information about programs of education approved under chapter 36 of title 38, United States Code, and the educational institutions that offer such programs.

(2) DATA RETENTION.—The Secretary shall ensure that historical data that is reported via the tool maintained under paragraph (1) remains easily and prominently accessible on the benefits.va.gov website, or successor website, for a period of not less than seven years from the date of initial publication.

(b) PROVIDING TIMELY AND RELEVANT EDUCATION INFORMATION TO VETERANS, MEMBERS OF THE ARMED FORCES, AND OTHER INDIVIDUALS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs, in coordination with the Secretary of Education, shall make such changes to the tool maintained under subsection (a) as the Secretary determines appropriate to ensure that such tool is an effective and efficient method for providing information pursuant to section 3698(b)(5) of title 38, United States Code.

(2) MODIFICATION OF SCOPE OF COMPREHENSIVE POLICY ON PROVIDING EDUCATION INFORMATION.—Section 3698 of title 38, United States Code, is amended—

(A) in subsection (a), by striking ''veterans and members of the Armed Forces'' and inserting ''individuals entitled to educational assistance under laws administered by the Secretary of Veterans Affairs''; and

(B) in subsection (b)(5)—

(i) by striking ''veterans and members of the Armed Forces'' and inserting ''individuals described in subsection (a)''; and

(ii) by striking ''the veteran or member'' and inserting ''the individual''.

(3) G.I. BILL COMPARISON TOOL REQUIRED DISCLOSURES.—Paragraph (1) of subsection (c) of such section is amended—

(A) by striking subparagraph (B) and inserting the following:

''(B) for each individual described in subsection (a) seeking information provided under subsection (b)(5)—

''(i) the name of each Federal student aid program, and a description of each such program, from which the individual may receive educational assistance; and

''(ii) for each program named and described pursuant to clause (i), the amount of educational assistance that the individual may be eligible to receive under the program; and''; and

(B) in subparagraph (C)—

(i) in clause (i), by inserting ''and a definition of each type of institution'' before the semicolon;

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

''(v) the average total cost, the average tuition, the average cost of room and board, the average cost and the average fees to earn a certificate, and associate's degree, a bachelor's degree, a postdoctoral degree, and any other degree or credential the institution awards;'';

(iii) in clause (xii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following new clauses:

''(xiii) program, degree, and certificate completion rates, disaggregated by individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces;

''(xiv) transfer-out rates, disaggregated by individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces;

''(xv) credentials available and the average time for completion of each credential;

''(xvi) employment rate and median income of graduates of the institution in general, disaggregated by—

''(I) specific credential;

''(II) individuals who are veterans;

''(III) individuals who are members of the Armed Forces; and

''(IV) individuals who are neither veterans nor members of the Armed Forces;

''(xvii) percentage of individuals who received educational assistance under this title to pursue a program of education at the institution who did not earn a credential within six years of commencing such program of education;

''(xviii) the median amount of debt incurred from a Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) by an individual who pursued a program of education at the institution with educational assistance under this title, disaggregated by—

''(I) individuals who received a credential and individuals who did not; and

''(II) individuals who are veterans, individuals who are members of the Armed Forces, and individuals who are neither veterans nor members of the Armed Forces;

''(xix) whether the institution participates in Federal student aid programs, and if so, which programs;

''(xx) the average number of individuals enrolled in the institution per year, disaggregated by—

''(I) individuals who are veterans;

''(II) individuals who are members of the Armed Forces; and

''(III) individuals who are neither veterans nor members of the Armed Forces; and

''(xxi) a list of each civil settlement or finding resulting from a Federal or State action in a court of competent jurisdiction against the institution for violation of a provision of Federal or State law that materially affects the education provided at the institution or is the result of illicit activity, including deceptive marketing or misinformation provided to prospective students or current enrollees.''.

(4) CLARITY OF INFORMATION PROVIDED.—Paragraph (2) of such subsection is amended—

(A) by inserting ''(A)'' before ''To the extent''; and

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

''(B) The Secretary shall ensure that information provided under subsection (b)(5) is provided in a manner that is easy and accessible to individuals described in subsection (a), especially with respect to information described in paragraph (1)(C)(xxii).''.

(c) IMPROVEMENTS FOR STUDENT FEEDBACK.—

(1) IN GENERAL.—Subsection (b)(2) of such section is amended—

(A) by amending subparagraph (A) to read as follows:

''(A) providing institutions of higher learning up to 30-days to review and respond to any feedback and address issues regarding the feedback before the feedback is published'';

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

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

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

''(D) for each institution of higher learning that is approved under this chapter, retains, maintains, and publishes all of such feedback for the entire duration that the institution of higher is approved under this chapter; and

''(E) is easily accessible to individuals described in subsection (a) and to the general public.''.

(2) ACCESSIBILITY FROM G.I. BILL COMPARISON TOOL.—The Secretary shall ensure that—

(A) the feedback tracked and published under subsection (b)(2) of such section, as amended by paragraph (1), is prominently displayed in the tool maintained under subsection (a) of this section; and

(B) when such tool displays information for an institution of higher learning, the applicable feedback is also displayed for such institution of higher learning.

(d) TRAINING FOR PROVISION OF EDUCATION COUNSELING SERVICES.—

(1) IN GENERAL.—Not less than one year after the date of the enactment of this Act, the Secretary shall ensure that personnel employed or contracted by the Department of Veteran Affairs to provide education benefits counseling, vocational or transition assistance, or similar functions, including employees or contractors of the Department who provide such counseling or assistance as part of the Transition Assistance Program, are trained on how—

(A) to use properly the tool maintained under subsection (a); and

(B) to provide appropriate educational counseling services to veterans, members of the Armed Forces, and other individuals.

(2) TRANSITION ASSISTANCE PROGRAM DEFINED.—In this subsection, the term ''Transition Assistance Program'' means the program of counseling, information, and services under section 1142 of title 10, United States Code.

SEC. _____. RESTORATION OF ENTITLEMENT TO VETERANS EDUCATIONAL ASSISTANCE AND OTHER RELIEF FOR VETERANS AFFECTED BY CIVIL ENFORCEMENT ACTIONS AGAINST EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—Section 3699(b)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (B)(ii), by striking ''; and'' and inserting ''; or''; and

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

''(C) a Federal or State civil enforcement action against the education institution; or

''(D) an action taken by the Secretary; and''.

(b) MECHANISM.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a simple mechanism that can be used by an individual described in subsection (b)(1) of section 3699 of such title by reason of subparagraph (C) or (D) of such subsection, as added by subsection (a)(3) of this section, to obtain relief under section 3699(a) of such title.

(c) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 3699 of such title is amended by striking ''**or disapproval of educational institution**'' and inserting ''**of, disapproval of, or civil enforcement actions against educational institutions**''.

(2) SUBSECTION HEADING.—The heading for subsection (a) of such section is amended by striking ''OR DISAPPROVAL'' and inserting '', DISAPPROVAL, CIVIL ENFORCEMENT ACTIONS, AND OTHER ACTIONS BY SECRETARY OF VETERANS AFFAIRS''.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3699 and inserting the following new item:

''3699. Effects of closure of, disapproval of, or civil enforcement actions against educational institutions.''.

SA 6415. Mr. SCHATZ (for himself, Mrs. SHAHEEN, Ms. WARREN, 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, insert the following:

SEC. 1077. BILITERACY EDUCATION SEAL AND TEACHING.

(a) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms ''English learner'', ''secondary school'', and ''State'' have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) NATIVE AMERICAN LANGUAGES.—The term ''Native American languages'' has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).

(3) SEAL OF BILITERACY PROGRAM.—The term ''Seal of Biliteracy program'' means any program described in subsection (b)(1) that is established or improved, and carried out, with funds received under this section.

(4) SECOND LANGUAGE.—The term ''second language'' means any language other than English (or a Native American language, pursuant to subsection (b)(1)(B)), including Braille, American Sign Language, or a Classical language.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(b) GRANTS FOR STATE SEAL OF BILITERACY PROGRAMS.—

(1) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—From amounts made available under paragraph (6), the Secretary shall award grants, on a competitive basis, to States to enable the States to establish or improve, and carry out, Seal of Biliteracy programs to recognize student proficiency in speaking, reading, and writing in both English and a second language.

(B) INCLUSION OF NATIVE AMERICAN LANGUAGES.—Notwithstanding subparagraph (A), each Seal of Biliteracy program shall contain provisions allowing the use of Native American languages, including allowing speakers of any Native American language recognized as official by any American government, including any Tribal government, to use equivalent proficiency in speaking, reading, and writing in the Native American language in lieu of proficiency in speaking, reading, and writing in English.

(C) DURATION.—A grant awarded under this subsection shall be for a period of 2 years, and may be renewed at the discretion of the Secretary.

(D) RENEWAL.—At the end of a grant term, a State that receives a grant under this subsection may reapply for a grant under this subsection.

(E) LIMITATIONS.—A State shall not receive more than 1 grant under this subsection at any time.

(F) RETURN OF UNSPENT GRANT FUNDS.—Each State that receives a grant under this subsection shall return any unspent grant funds not later than 6 months after the date on which the term for the grant ends.

(2) GRANT APPLICATION.—A State that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including—

(A) a description of the criteria a student must meet to demonstrate the proficiency in speaking, reading, and writing in both languages necessary for the State Seal of Biliteracy program;

(B) a detailed description of the State's plan—

(i) to ensure that English learners and former English learners are included in the State Seal of Biliteracy program;

(ii) to ensure that—

(I) all languages, including Native American languages, can be tested for the State Seal of Biliteracy program; and

(II) Native American language speakers and learners are included in the State Seal of Biliteracy program, including students at tribally controlled schools and at schools funded by the Bureau of Indian Education; and

(iii) to reach students, including eligible students described in paragraph (3)(B) and English learners, their parents, and schools with information regarding the State Seal of Biliteracy program;

(C) an assurance that a student who meets the requirements under subparagraph (A) and paragraph (3) receives—

(i) a permanent seal or other marker on the student's secondary school diploma or its equivalent; and

(ii) documentation of proficiency on the student's official academic transcript; and

(D) an assurance that a student is not charged a fee for providing information under paragraph (3)(A).

(3) STUDENT PARTICIPATION IN A SEAL OF BILITERACY PROGRAM.—

(A) IN GENERAL.—To participate in a Seal of Biliteracy program, a student shall provide information to the State that serves the student at such time, in such manner, and including such information and assurances as the State may require, including an assurance that the student has met the criteria established by the State under paragraph (2)(A).

(B) STUDENT ELIGIBILITY FOR PARTICIPATION.—A student who gained proficiency in a second language outside of school may apply under subparagraph (A) to participate in a Seal of Biliteracy program.

(4) USE OF FUNDS.—Grant funds made available under this subsection shall be used for—

(A) the administrative costs of establishing or improving, and carrying out, a Seal of Biliteracy program that meets the requirements of paragraph (2); and

(B) public outreach and education about the Seal of Biliteracy program.

(5) REPORT.—Not later than 18 months after receiving a grant under this subsection, a State shall issue a report to the Secretary describing the implementation of the Seal of Biliteracy program for which the State received the grant.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2023 through 2027.

SA 6416. 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 end of subtitle G of title X, add the following:

SEC. 1077. JAPANESE AMERICAN CONFINEMENT EDUCATION GRANTS.

Public Law 109–441 (120 Stat. 3290) is amended—

(1) in section 2, by adding at the end the following:

''(4) JAPANESE AMERICAN CONFINEMENT EDUCATION GRANTS.—The term 'Japanese American Confinement Education Grants' means competitive grants, awarded through the Japanese American Confinement Sites Program, for Japanese American organizations to educate individuals, including through the use of digital resources, in the United States on the historical importance of Japanese American confinement during World War II, so that present and future generations may learn from Japanese American confinement and the commitment of the United States to equal justice under the law.

''(5) JAPANESE AMERICAN ORGANIZATION.—The term 'Japanese American organization' means a private nonprofit organization within the United States established to promote the understanding and appreciation of the ethnic and cultural diversity of the United States by illustrating the Japanese American experience throughout the history of the United States.''; and

(2) in section 4—

(A) by inserting ''(a) IN GENERAL.—'' before ''There are authorized'';

(B) by striking ''$38,000,000'' and inserting ''$80,000,000''; and

(C) by adding at the end the following:

''(b) JAPANESE AMERICAN CONFINEMENT EDUCATION GRANTS.—

''(1) IN GENERAL.—Of the amounts made available under this section, not more than $10,000,000 shall be awarded as Japanese American Confinement Education Grants to Japanese American organizations. Such competitive grants shall be in an amount not less than $750,000 and the Secretary shall give priority consideration to Japanese American organizations with fewer than 100 employees.

''(2) MATCHING REQUIREMENT.—

''(A) FIFTY PERCENT.—Except as provided in subparagraph (B), for funds awarded under this subsection, the Secretary shall require a 50 percent match with non-Federal assets from non-Federal sources, which may include cash or durable goods and materials fairly valued, as determined by the Secretary.

''(B) WAIVER.—The Secretary may waive all or part of the matching requirement under subparagraph (A), if the Secretary determines that—

''(i) no reasonable means are available through which an applicant can meet the matching requirement; and

''(ii) the probable benefit of the project funded outweighs the public interest in such matching requirement.''.

SA 6417. 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 end of title X, add the following:

Subtitle H—Use of Medical Marijuana by Veterans

SEC. 1081. SAFE HARBOR FOR USE BY VETERANS OF MEDICAL MARIJUANA.

(a) SAFE HARBOR.—Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or any other Federal law, it shall not be unlawful for—

(1) a veteran to use, possess, or transport medical marijuana in a State or on Indian land if the use, possession, or transport is authorized and in accordance with the law of the applicable State or Indian Tribe;

(2) a physician to discuss with a veteran the use of medical marijuana as a treatment if the physician is in a State or on Indian land where the law of the applicable State or Indian Tribe authorizes the use, possession, distribution, dispensation, administration, delivery, and transport of medical marijuana; or

(3) a physician to recommend, complete forms for, or register veterans for participation in a treatment program involving medical marijuana that is approved by the law of the applicable State or Indian Tribe.

(b) DEFINITIONS.—In this section:

(1) INDIAN LAND.—The term ''Indian land'' means any of the Indian lands, as that term is defined in section 824(b) of the Indian Health Care Improvement Act (25 U.S.C. 1680n).

(2) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) PHYSICIAN.—The term ''physician'' means a physician appointed by the Secretary of Veterans Affairs under section 7401(1) of title 38, United States Code.

(4) STATE.—The term ''State'' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

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

(c) SUNSET.—This section shall cease to have force or effect on the date that is five years after the date of the enactment of this Act.

SEC. 1082. STUDIES ON USE OF MEDICAL MARIJUANA BY VETERANS.

(a) STUDY ON EFFECTS OF MEDICAL MARIJUANA ON VETERANS IN PAIN.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a study on the effects of medical marijuana on veterans in pain.

(2) REPORT.—Not later than 180 days after the date on which the study required under paragraph (1) is completed, the Secretary shall submit to Congress a report on the study, which shall include such recommendations for legislative or administrative action as the Secretary considers appropriate.

(b) STUDY ON USE BY VETERANS OF STATE MEDICAL MARIJUANA PROGRAMS.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary shall conduct a study on the relationship between treatment programs involving medical marijuana that are approved by States, the access of veterans to such programs, and a reduction in opioid use and abuse among veterans.

(2) REPORT.—Not later than 180 days after the date on which the study required under paragraph (1) is completed, the Secretary shall submit to Congress a report on the study, which shall include such recommendations for legislative or administrative action as the Secretary considers appropriate.

(c) VETERAN DEFINED.—In this section, the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

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

SA 6418. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ____. UNMANNED AIRCRAFT SYSTEM DETECTION AND MITIGATION ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Chapter 448 of title 49, United States Code, is amended by adding at the end the following:

''§ 44811. Unmanned aircraft system detection and mitigation enforcement

''(a) PROHIBITION.—

''(1) IN GENERAL.—No person may operate a system or technology to detect, identify, monitor, track, or mitigate an unmanned aircraft or unmanned aircraft system in a manner that adversely impacts or interferes with safe airport operations, navigation, or air traffic services, or the safe and efficient operation of the national airspace system.

''(2) ACTIONS BY THE ADMINISTRATOR.—The Administrator may take such action as may be necessary to address the adverse impacts or interference of operations that violate paragraph (1).

''(b) PENALTIES.—A person who operates a system or technology referred to in subsection (a)(1) in a manner that adversely impacts or interferes with safe airport operations, navigation, or air traffic services, or the safe and efficient operation of the national airspace system, is liable to the Federal Government for a civil penalty of not more than $25,000 per violation.

''(c) RULE OF CONSTRUCTION.—The term 'person' as used in this section does not include—

''(1) the Federal Government or any bureau, department, instrumentality, or other agency of the Federal Government; or

''(2) an officer, employee, or contractor of the Federal Government or any bureau, department, instrumentality, or other agency of the Federal Government if the officer, employee, or contractor is authorized by the Federal Government or any bureau, department, instrumentality or other agency of the Federal Government to operate a system or technology referred to in subsection (a)(1).''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 448 is amended by inserting at the end the following:

''44811. Unmanned aircraft system detection and mitigation enforcement.''.

SA 6419. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations

for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. DETECTING, IDENTIFYING, MONITORING, AND TRACKING UNMANNED AIRCRAFT SYSTEMS AND UNMANNED AIRCRAFT THAT THREATEN CERTAIN FACILITIES AND ASSETS.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, is amended by adding at the end the following:

"§ 20150. Detecting, identifying, monitoring, and tracking unmanned aircraft systems and unmanned aircraft that threaten certain facilities and assets

''(a) AUTHORITY.—Notwithstanding section 46502 of title 49 or any provision of title 18, the Administrator may take, and may authorize personnel with assigned duties that include the safety, security, or protection of people, facilities, or assets to take, such actions as are described in subsection (b) that are necessary to detect, identify, monitor, and track a credible threat (as defined by the Administrator, in consultation with the Secretary of Transportation through the Administrator of the Federal Aviation Administration) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

''(b) ACTIONS DESCRIBED.—The actions authorized under subsection (a) are limited to actions during the operation of an unmanned aircraft system or unmanned aircraft, to detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft.

''(c) RESEARCH, TESTING, TRAINING, AND EVALUATION.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—For any action described in subsection (b), notwithstanding section 46502 of title 49 or any provision of title 18, the Administrator shall conduct research, testing, training on, and evaluation of any equipment, including any electronic equipment, to determine the capability and utility of the equipment prior to the use of the equipment for any action described in subsection (b).

''(B) COORDINATION.—Personnel and contractors who do not have duties that include the safety, security, or protection of people, facilities, or assets may engage in research, testing, training, and evaluation activities pursuant to subparagraph (A).

''(2) TRAINING OF PERSONNEL.—The Administrator may provide training on measures to detect, identify, monitor, and track dangerous or illegally operated unmanned aircraft or unmanned aircraft systems to any personnel who are authorized to take such measures, including personnel authorized to take the actions described in subsection (b).

''(3) COORDINATION FOR RESEARCH, TESTING, TRAINING, AND EVALUATION.—The Administrator shall coordinate the procedures of the Administration [*SLC Note: To respond to your comment, the term 'Administration' is defined in section 10101 of title 51, United States Code, to mean 'the National Aeronautics and Space Administration'. That definition applies to all of title 51, including this section, which is amendatory text destined for title 51 if it is enacted. All of title 51 uses the term 'Administration' in this manner. Please let me know if you have questions.*] governing research, testing, training, and evaluation to carry out any provision under this section with the Administrator of the Federal Aviation Administration before initiating such activity in order that the Administrator of the Federal Aviation Administration may ensure the activity does not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

''(d) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft that is lawfully seized by the Administrator pursuant to subsection (a) is subject to forfeiture to the United States pursuant to the provisions of chapter 46 of title 18, United States Code.

''(e) REGULATIONS AND GUIDANCE.—The Administrator and the Secretary of Transportation may—

''(1) prescribe regulations and shall issue guidance in the respective areas of the Administrator or the Secretary of Transportation to carry out this section; and

''(2) in developing regulations and guidance described in paragraph (1), consult the Federal Communications Commission, the Assistant Secretary of Commerce for Communications and Information, and the Administrator of the Federal Aviation Administration.

''(f) COORDINATION.—

''(1) IN GENERAL.—The Administrator shall coordinate with the Administrator of the Federal Aviation Administration before carrying out any action authorized under this section in order that the Administrator may ensure the action does not adversely impact or interfere with—

''(A) safe airport operations;

''(B) navigation;

''(C) air traffic services; or

''(D) the safe and efficient operation of the national airspace system.

''(2) GUIDANCE.—Before issuing any guidance, or otherwise implementing this section, the Administrator shall, respectively, coordinate with—

''(A) the Secretary of Transportation in order that the Secretary of Transportation may ensure the guidance or implementation does not adversely impact critical infrastructure relating to transportation; and

''(B) the Administrator of the Federal Aviation Administration in order that the Administrator of the Federal Aviation Administration may ensure the guidance or implementation does not adversely impact or interfere with—

''(i) safe airport operations;

''(ii) navigation;

''(iii) air traffic services; or

''(iv) the safe and efficient operation of the national airspace system.

''(3) COORDINATION WITH THE FAA.—The Administrator shall coordinate the development of guidance under subsection (e) with the Secretary of Transportation (through the Administrator of the Federal Aviation Administration).

''(4) COORDINATION WITH THE DEPARTMENT OF TRANSPORTATION AND NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.—The Administrator shall coordinate the development of the actions described in subsection (b) with the Secretary of Transportation (through the Administrator of the Federal Aviation Administration) and the Assistant Secretary of Commerce for Communications and Information.

''(g) PRIVACY PROTECTION.—The regulations or guidance issued to carry out an action described in subsection (b) by the Administrator shall ensure that—

''(1) the interception or acquisition of, access to, or maintenance or use of, any communication to or from an unmanned aircraft system or an unmanned aircraft under this section is conducted in a manner consistent with the First and Fourth Amendments to the Constitution of the United States and any applicable provision of Federal law;

''(2) any communication to or from an unmanned aircraft system or an unmanned aircraft is intercepted or acquired only to the extent necessary to support an action described in subsection (b);

''(3) any record of such a communication is maintained only for as long as necessary, and in no event for more than 180 days, unless the Administrator determines that maintenance of the record is—

''(A) required under Federal law;

''(B) necessary for the purpose of any litigation; or

''(C) necessary to investigate or prosecute a violation of law, including by—

''(i) directly supporting an ongoing security operation; or

''(ii) protecting against dangerous or unauthorized activity by unmanned aircraft systems and unmanned aircraft; and

''(4) such a communication is not disclosed to any person not employed or contracted by the Administration unless the disclosure—

''(A) is necessary to investigate or prosecute a violation of law;

''(B) would support—

''(i) the Department of Defense;

''(ii) a Federal law enforcement, intelligence, or security agency; or

''(iii) another relevant entity or person if the entity or person is engaged in a security or protection operation;

''(C) is necessary to support a department or agency listed in subparagraph (B) in investigating or prosecuting a violation of law;

''(D) would support the enforcement activities of a Federal regulatory agency relating to a criminal or civil investigation of, or any regulatory, statutory, or other enforcement action relating to, an action described in subsection (b);

''(E) is necessary to protect against dangerous or unauthorized activity by unmanned aircraft systems or unmanned aircrafts; or

''(F) is otherwise required by law.

''(h) ASSISTANCE AND SUPPORT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Administrator is authorized to provide support or assistance, upon the request of a Federal agency or department conducting—

''(A) a mission described in section 130i of title 10;

''(B) a mission described in section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n); or

''(C) a mission described in section 4510 of the Atomic Energy Defense Act (50 U.S.C. 2661).

''(2) REQUIREMENTS.—Any support or assistance provided by the Administrator shall only be granted—

''(A) for the purpose of fulfilling the roles and responsibilities of the Federal agency or department that made the request for the mission for which the request was made;

''(B) when exigent circumstances exist;

''(C) for a specified duration and location;

''(D) within available resources;

''(E) on a non-reimbursable basis; and

''(F) in coordination with the Federal Aviation Administration.

''(i) SEMIANNUAL BRIEFINGS AND NOTIFICATIONS.—

''(1) IN GENERAL.—On a semiannual basis beginning on the date that is 180 days after the date of the enactment of this section, the Administrator shall provide a briefing to the appropriate congressional committees on the

activities carried out pursuant to this section.

''(2) REQUIREMENT.—Each briefing required under paragraph (1) shall be conducted jointly with the Secretary of Transportation.

''(3) CONTENT.—Each briefing required under paragraph (1) shall include—

''(A) policies, programs, and procedures to mitigate or eliminate impacts of activities carried out pursuant to this section to the national airspace system and other critical national transportation infrastructure;

''(B) a description of—

''(i) each instance in which actions described in subsection (b) have been taken, including any instance that may have resulted in harm, damage, or loss to a person or to private property;

''(ii) the guidance, policies, or procedures established by the Administrator to address privacy, civil rights, and civil liberties issues implicated by the actions permitted under this section, as well as any changes or subsequent efforts by the Administrator that would significantly affect privacy, civil rights or civil liberties;

''(iii) options considered and steps taken by the Administrator to mitigate any identified impacts to the national airspace system related to the use of any system or technology, including the minimization of the use of any technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (b); and

''(iv) each instance in which a communication intercepted or acquired during the course of operations of an unmanned aircraft system or an unmanned aircraft was—

''(I) held in the possession of the Administration for more than 180 days; or

''(II) shared with any entity other than the Administration;

''(C) an explanation of how the Administrator and the Secretary of Transportation have—

''(i) informed the public as to the possible use of authorities granted under this section; and

''(ii) engaged with Federal, State, local, Tribal, and territorial enforcement agencies to implement and use such authorities;

''(D) an assessment of whether any gaps or insufficiencies remain in laws, regulations, and policies that impede the ability of the Administration to detect, identify, monitor, and track the threat posed by the malicious use of unmanned aircraft systems and unmanned aircrafts;

''(E) recommendations to remedy any such gaps or insufficiencies, including recommendations relating to necessary changes in law, regulations, or policies; and

''(F) a description of the impact of the authorities granted under this section on—

''(i) lawful operator access to national airspace; and

''(ii) the integration of unmanned aircraft systems and unmanned aircrafts into the national airspace system.

''(4) UNCLASSIFIED FORM.—Each briefing required under paragraph (1) shall be in unclassified form but may be accompanied by an additional classified briefing.

''(j) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

''(1) to vest in the Administrator any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration; or

''(2) to vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Administrator.

''(k) SCOPE OF AUTHORITY.—Nothing in this section shall be construed to provide the Administrator with any additional authority other than the authorities described in subsections (a), (c), and (d).

''(l) DEFINITIONS.—In this section:

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

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

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

''(2) COVERED FACILITY OR ASSET.—The term 'covered facility or asset' means any facility or asset that—

''(A) is identified as high-risk and a potential target for unlawful unmanned aircraft or unmanned aircraft system activity by the Administrator, in coordination with the Secretary of Transportation with respect to potentially impacted airspace, through a risk-based assessment for purposes of this section;

''(B) is located within the property of the National Aeronautics and Space Administration; and

''(C) directly relates to 1 or more missions of the National Aeronautics and Space Administration pertaining to—

''(i) launch services;

''(ii) reentry services; or

''(iii) the protection of space support vehicles or payloads.

''(3) ELECTRONIC COMMUNICATION; INTERCEPT; ORAL COMMUNICATION; WIRE COMMUNICATION.—The terms 'electronic communication', 'intercept', 'oral communication', and 'wire communication' have the meanings given those terms in section 2510 of title 18.

''(4) LAUNCH SERVICES; REENTRY SERVICES; SPACE SUPPORT VEHICLE; PAYLOAD.—The terms 'launch services', 'reentry services', 'space support vehicle', and 'payload' have the meanings given those terms in section 50902 of this title.

''(5) PERSONNEL.—

''(A) IN GENERAL.—The term 'personnel' means an officer, employee, or contractor of the Administration who is authorized to perform duties that include safety, security, or protection of people, facilities, or assets.

''(B) USE OF AUTHORITY.—To qualify for use of the authority under subsection (a), a contractor conducting operations under that subsection must—

''(i) be directly contracted by the Administration;

''(ii) operate at a government-owned or government-leased facility;

''(iii) not conduct inherently governmental functions; and

''(iv) be trained and certified by the Administration to meet the established guidance and regulations of the Administration.

''(6) RISK-BASED ASSESSMENT.—The term 'risk-based assessment'means an evaluation of threat information specific to a covered facility or asset and, with respect to potential impacts on the safety and efficiency of the national airspace system and the needs of law enforcement and national security at each covered facility or asset identified by the Administrator of each of the following factors:

''(A) Potential impacts to safety, efficiency, and use of the national airspace system, including potential effects on manned aircraft and unmanned aircraft systems or unmanned aircraft, aviation safety, airport operations, infrastructure, and air navigation services related to the use of any system or technology for carrying out the actions described in subsection (b).

''(B) Options for mitigating any identified impacts to the national airspace system relating to the use of any system or technology, including minimizing, when possible, the use of any technology which disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (b).

''(C) Potential consequences of the impacts of any actions taken under subsection (b) to the national airspace system and infrastructure if not mitigated.

''(D) The ability to provide reasonable advance notice to aircraft operators consistent with the safety of the national airspace system and the needs of law enforcement and national security.

''(E) The setting and character of any covered facility or asset, including—

''(i) whether the covered facility or asset is located in a populated area or near other structures;

''(ii) whether the covered facility or asset is open to the public;

''(iii) whether the covered facility or asset is used for nongovernmental functions; and

''(iv) any potential for interference with wireless communications or for injury [or damage to persons or property].

''(F) The setting, character, timeframe, and national airspace system impacts of launch services and reentry services.

''(G) Potential consequences to national security, public safety, or law enforcement if threats posed by unmanned aircraft systems or unmanned aircraft are not detected, identified, monitored, and tracked.

''(7) UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.—The terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 44801 of title 49.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 20149 the following:

''20150. Detecting, identifying, monitoring, and tracking unmanned aircraft systems and unmanned aircraft that threaten certain facilities and assets.''.

SA 6420. Mr. SANDERS (for himself, Mr. MARKEY, 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 A of title X, add the following:

SEC. 1003. REDUCTION IN AMOUNT AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 2023 BY THIS ACT.

(a) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2023 by this Act is—

(1) the aggregate amount authorized to be appropriated for fiscal year 2023 by this Act (other than for military personnel, the Defense Health Program, pay and benefits for persons appointed into the civil service as defined in section 2101 of title 5, United States Code, and assistance for Ukraine); minus

(2) $45,000,000,000.

(b) ALLOCATION.—The reduction made by subsection (a) shall apply on a pro rata basis among the accounts and funds for which amounts are authorized to be appropriated

by this Act (other than military personnel, the Defense Health Program, pay and benefits for persons appointed into the civil service as defined in section 2101 of title 5, United States Code, and assistance for Ukraine), and shall be applied on a pro rata basis across each program, project, and activity funded by the account or fund concerned.

SA 6421. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. MANDATORY TRANSFER.

Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer 0.1 percent of the funds authorized to be appropriated under this division for fiscal year 2023 from the Department of Defense to the Department of State for educational and cultural exchange program expenses.

SA 6422. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. CLARIFICATION OF TIMING ISSUES RELATED TO CERTIFICATIONS REQUIRED UNDER THE ARMS EXPORT CONTROL ACT.

Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following new subsection:

''(j) RULE OF CONSTRUCTION REGARDING TIMING OF SUBMISSION AND RECEIPT OF CERTIFICATIONS.—A certification under this section shall be construed as being submitted and received as of the date that the Senate and the House of Representatives have each published receipt of such certification in the Congressional Record.''.

SA 6423. Mr. INHOFE (for himself 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. ___. FEDERAL CHARTER FOR THE NATIONAL CENTER FOR THE ADVANCEMENT OF AVIATION.

(a) SHORT TITLE.—This section may be cited as the ''National Center for the Advancement of Aviation Act of 2022''.

(b) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 120. National Center for the Advancement of Aviation

''(a) FEDERAL CHARTER AND STATUS.—

''(1) IN GENERAL.—The National Center for the Advancement of Aviation (in this section referred to as the 'Center') is a federally chartered entity. The Center is a private independent entity, not a department, agency, or instrumentality of the United States Government or a component thereof. Except as provided in subsection (f)(1), an officer or employee of the Center is not an officer or employee of the Federal Government.

''(2) PERPETUAL EXISTENCE.—Except as otherwise provided, the Center shall have perpetual existence.

''(b) GOVERNING BODY.—

''(1) IN GENERAL.—The Board of Directors (in this section referred to as the 'Board') is the governing body of the Center.

''(2) AUTHORITY OF POWERS.—

''(A) IN GENERAL.—The Board shall adopt a constitution, bylaws, regulations, policies, and procedures to carry out the purpose of the Center and may take any other action that it considers necessary (in accordance with the duties and powers of the Center) for the management and operation of the Center. The Board is responsible for the general policies and management of the Center and for the control of all funds of the Center.

''(B) POWERS OF BOARD.—The Board shall have the power to do the following:

''(i) Adopt and alter a corporate seal.

''(ii) Establish and maintain offices to conduct its activities.

''(iii) Enter into contracts or agreements as a private entity not subject to the requirements of title 41.

''(iv) Acquire, own, lease, encumber, and transfer property as necessary and appropriate to carry out the purposes of the Center.

''(v) Publish documents and other publications in a publicly accessible manner.

''(vi) Incur and pay obligations as a private entity not subject to the requirements of title 31.

''(vii) Make or issue grants and include any conditions on such grants in furtherance of the purpose and duties of the Center.

''(viii) Perform any other act necessary and proper to carry out the purposes of the Center as described in its constitution and bylaws or duties outlined in this section.

''(3) MEMBERSHIP OF THE BOARD.—

''(A) IN GENERAL.—The Board shall have 11 Directors as follows:

''(i) EX-OFFICIO MEMBERSHIP.—The following individuals, or their designees, shall be considered ex-officio members of the Board:

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

''(II) The Executive Director, pursuant to paragraph (5)(D).

''(ii) APPOINTMENTS.—

''(I) IN GENERAL.—From among those members of the public who are highly respected and have knowledge and experience in the fields of aviation, finance, or academia—

''(aa) the Secretary of Transportation shall appoint 5 members to the Board;

''(bb) the Secretary of Defense shall appoint 1 member to the Board;

''(cc) the Secretary of Veterans Affairs shall appoint 1 member to the Board;

''(dd) the Secretary of Education shall appoint 1 member to the Board;

''(ee) the Administrator of the National Aeronautics and Space Administration shall appoint 1 member to the Board.

''(II) TERMS.—

''(aa) IN GENERAL.—The members appointed under subclause (I) shall serve for a term of 3 years and may be reappointed.

''(bb) STAGGERING TERMS.—To ensure subsequent appointments to the Board are staggered, of the 9 members first appointed under subclause (I), 3 shall be appointed for a term of 1 year, 3 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of 3 years.

''(III) CONSIDERATION.—In considering whom to appoint to the Board, the Secretaries and Administrator referenced in subclause (I) shall, to the maximum extent practicable, ensure the overall composition of the Board adequately represents the fields of aviation and academia.

''(B) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the initial appointment.

''(C) STATUS.—All Members of the Board shall have equal voting powers, regardless if they are ex-officio members or appointed.

''(4) CHAIR OF THE BOARD.—The Board shall choose a Chair of the Board from among the members of the Board that are not ex-officio members under paragraph (3)(A)(i).

''(5) ADMINISTRATIVE MATTERS.—

''(A) MEETINGS.—

''(i) IN GENERAL.—The Board shall meet at the call of the Chair but not less than 2 times each year and may, as appropriate, conduct business by telephone or other electronic means.

''(ii) OPEN.—

''(I) IN GENERAL.—Except as provided in subclause (II), a meeting of the Board shall be open to the public.

''(II) EXCEPTION.—A meeting, or any portion of a meeting, may be closed if the Board, in public session, votes to close the meeting because the matters to be discussed—

''(aa) relate solely to the internal personnel rules and practices of the Center;

''(bb) may result in disclosure of commercial or financial information obtained from a person that is privileged or confidential;

''(cc) may disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; or

''(dd) are matters that are specifically exempted from disclosure by Federal or State law.

''(iii) PUBLIC ANNOUNCEMENT.—At least 1 week before a meeting of the Board, and as soon as practicable thereafter if there are any changes to the information described in subclauses (I) through (III), the Board shall make a public announcement of the meeting that describes—

''(I) the time, place, and subject matter of the meeting;

''(II) whether the meeting is to be open or closed to the public; and

''(III) the name and appropriate contact information of a person who can respond to requests for information about the meeting.

''(iv) RECORD.—The Board shall keep a transcript of minutes from each Board meeting. Such transcript shall be made available to the public in an accessible format, except for portions of the meeting that are closed pursuant to subparagraph (A)(ii)(II).

''(B) QUORUM.—A majority of members of the Board shall constitute a quorum.

''(C) RESTRICTION.—No member of the Board shall participate in any proceeding, application, ruling or other determination,

contract claim, scholarship award, controversy, or other matter in which the member, the member's employer or prospective employer, or the member's spouse, partner, or minor child has a direct financial interest. Any person who violates this subparagraph may be fined not more than $10,000, imprisoned for not more than 2 years, or both.

''(D) EXECUTIVE DIRECTOR.—The Board shall appoint and fix the pay of an Executive Director of the Center (in this section referred to as the 'Executive Director') who shall—

''(i) serve as a Member of the Board;

''(ii) serve at the pleasure of the Board, under such terms and conditions as the Board shall establish;

''(iii) is subject to removal by the Board at the discretion of the Board; and

''(iv) be responsible for the daily management and operation of the Center and for carrying out the purposes and duties of the Center.

''(E) APPOINTMENT OF PERSONNEL.—The Board shall designate to the Executive Director the authority to appoint additional personnel as the Board considers appropriate and necessary to carry out the purposes and duties of the Center.

''(F) PUBLIC INFORMATION.—Nothing in this section may be construed to withhold disclosure of information or records that are subject to disclosure under section 552 of title 5.

''(c) PURPOSE OF THE CENTER.—The purpose of the Center is to—

''(1) develop a skilled and robust U.S. aviation and aerospace workforce;

''(2) provide a forum to support collaboration and cooperation between governmental, non-governmental, and private aviation and aerospace sector stakeholders regarding the advancement of the U.S. aviation and aerospace workforce, including general, business, and commercial aviation, education, labor, manufacturing and international organizations; and

''(3) serve as a repository for research conducted by institutions of higher education, research institutions, or other stakeholders regarding the aviation and aerospace workforce, or related technical and skill development.

''(d) DUTIES OF THE CENTER.—In order to accomplish the purpose described in subsection (c), the Center shall perform the following duties:

''(1) Improve access to aviation and aerospace education and related skills training to help grow the U.S. aviation and aerospace workforce, including—

''(A) assessing the current U.S. aviation and aerospace workforce challenges and identifying actions to address these challenges, including by developing a comprehensive workforce strategy;

''(B) establishing scholarship, apprenticeship, internship or mentorship programs for individuals who wish to pursue a career in an aviation- or aerospace-related field, including individuals in economically disadvantaged areas or individuals who are members of underrepresented groups in the aviation and aerospace sector;

''(C) supporting the development of aviation and aerospace education curricula, including syllabi, training materials, and lesson plans, for use by middle schools and high schools, institutions of higher education, secondary education institutions, or technical training and vocational schools; and

''(D) building awareness of youth-oriented aviation and aerospace programs and other outreach programs.

''(2) Support the personnel or veterans of the Armed Forces seeking to transition to a career in civil aviation or aerospace through outreach, training, apprenticeships, or other means.

''(3) Amplify and support the research and development efforts conducted as part of the National Aviation Research Plan, as required under section 44501(c), and work done at the Centers of Excellence and Technical Centers of the Federal Aviation Administration regarding the aviation and aerospace workforce, or related technical and skills development, including organizing and hosting symposiums, conferences, and other forums as appropriate, between the Federal Aviation Administration, aviation and aerospace stakeholders, and other interested parties, to discuss current and future research efforts and technical work.

''(e) GRANTS.—

''(1) IN GENERAL.—In order to accomplish the purpose under subsection (c) and duties under subsection (d), the Center may issue grants to eligible entities to—

''(A) create, develop, deliver, or update—

''(i) middle and high school aviation curricula, including syllabi, training materials, equipment and lesson plans, that are designed to prepare individuals to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation maintenance technicians, or other aviation maintenance professionals, or to support the continuing education of any of the aforementioned individuals; or

''(ii) aviation curricula, including syllabi, training materials, equipment and lesson plans, used at institutions of higher education, secondary education institutions, or by technical training and vocational schools, that are designed to prepare individuals to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation maintenance technicians, or other aviation maintenance professionals, or to refresh the knowledge of any of the aforementioned individuals; or

''(B) support the professional development of educators using the curriculum in subparagraph (A);

''(C) establish new education programs that teach technical skills used in aviation maintenance, including purchasing equipment, or to improve existing programs;

''(D) establish scholarships, internships or apprenticeships for individuals pursuing employment in the aviation maintenance industry;

''(E) support outreach about educational opportunities and careers in the aviation maintenance industry, including in economically disadvantaged areas; or

''(F) support the transition to careers in aviation maintenance, including for members of the Armed Forces.

''(2) ELIGIBLE ENTITIES.—An eligible entity under this subsection includes—

''(A) an air carrier, as defined in section 40102, an air carrier engaged in intrastate or intra-U.S. territorial operations, an air carrier engaged in commercial operations covered by part 135 or part 91 of title 14, Code of Federal Regulations, operations, or a labor organization representing aircraft pilots;

''(B) an accredited institution of higher education or a high school or secondary school (as defined in section 8101 of the Higher Education Act of 1965 (20 U.S.C. 7801));

''(C) a flight school that provides flight training, as defined in part 61 of title 14, Code of Federal Regulations, or that holds a pilot school certificate under part 141 of title 14, Code of Federal Regulations;

''(D) a State or local governmental entity; or

''(E) an organization representing aircraft users, aircraft owners, or aircraft pilots;

''(F) a holder of a certificate issued under part 21, 121, 135, or 145 of title 14, Code of Federal Regulations or a labor organization representing aviation maintenance workers; or

''(G) other organizations at the discretion of the Board.

''(3) LIMITATION.—No organization that receives a grant under this section may sell or make a profit from the creation, development, delivery, or updating of high school aviation curricula.

''(f) ADMINISTRATIVE MATTERS OF THE CENTER.—

''(1) DETAILEES.—

''(A) IN GENERAL.—At the request of the Center, the head of any Federal agency or department may, at the discretion of such agency or department, detail to the Center, on a reimbursable basis, any employee of the agency or department.

''(B) CIVIL SERVANT STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

''(2) NAMES AND SYMBOLS.—The Center may accept, retain, and use proceeds derived from the Center's use of the exclusive right to use its name and seal, emblems, and badges incorporating such name as lawfully adopted by the Board in furtherance of the purpose and duties of the Center.

''(3) GIFTS, GRANTS, BEQUESTS, AND DEVISES.—The Center may accept, retain, use, and dispose of gifts, grants, bequests, or devises of money, services, or property from any public or private source for the purpose of covering the costs incurred by the Center in furtherance of the purpose and duties of the Center.

''(4) VOLUNTARY SERVICES.—The Center may accept from any person voluntary services to be provided in furtherance of the purpose and duties of the Center.

''(g) RESTRICTIONS OF THE CENTER.—

''(1) PROFIT.—The Center may not engage in business activity for profit.

''(2) STOCKS AND DIVIDENDS.—The Center may not issue any shares of stock or declare or pay any dividends.

''(3) POLITICAL ACTIVITIES.—The Center shall be nonpolitical and may not provide financial aid or assistance to, or otherwise contribute to or promote the candidacy of, any individual seeking elective public office or political party. The Center may not engage in activities that are, directly, or indirectly, intended to be or likely to be perceived as advocating or influencing the legislative process.

''(4) DISTRIBUTION OF INCOME OR ASSETS.—The assets of the Center may not inure to the benefit of any member of the Board, or any officer or employee of the Center or be distributed to any person. This subsection does not prevent the payment of reasonable compensation to any officer, employee, or other person or reimbursement for actual and necessary expenses in amounts approved by the Board.

''(5) LOANS.—The Center may not make a loan to any member of the Board or any officer or employee of the Center.

''(6) NO CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The Center may not claim approval of Congress or of the authority of the United States for any of its activities.

''(h) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Executive Director shall appoint members to an advisory committee subject to approval by the Board. Members of the Board may not sit on the advisory committee.

''(2) MEMBERSHIP.—The advisory committee shall consist of 15 members who represent various aviation industry and labor stakeholders, stakeholder associations, and others as determined appropriate by the Board. The advisory committee shall select a Chair and Vice Chair from among its members by majority vote. Members of the advisory committee shall be appointed for a term of 5 years.

''(3) DUTIES.—The advisory committee shall—

''(A) provide recommendations to the Board on an annual basis regarding the priorities for the activities of the Center;

''(B) consult with the Board on an ongoing basis regarding the appropriate powers of the Board to accomplish the purposes and duties of the Center;

''(C) provide relevant data and information to the Center in order to carry out the duties set forth in subsection (d); and

''(D) nominate United States citizens for consideration by the Board to be honored annually by the Center for such citizens' efforts in promoting U.S. aviation or aviation education and enhancing the aviation workforce in the United States.

''(4) MEETINGS.—The provisions for meetings of the Board under subsection (b)(5) shall apply as similarly as is practicable to meetings of the advisory committee.

''(i) WORKING GROUPS.—

''(1) IN GENERAL.—The Board may establish and appoint the membership of the working groups as determined necessary and appropriate to achieve the purpose of the Center under subsection (c).

''(2) MEMBERSHIP.—Any working group established by the Board shall have members representing various aviation industry and labor stakeholders, stakeholder associations, and others, as determined appropriate by the Board. Once established, the membership of such working group shall choose a Chair from among the members of the working group by majority vote.

''(3) TERMINATION.—Unless determined otherwise by the Board, any working group established by the Board under this subsection shall be constituted for a time period of not more than 3 years.

''(j) RECORDS OF ACCOUNTS.—The Center shall keep correct and complete records of accounts.

''(k) DUTY TO MAINTAIN TAX-EXEMPT STATUS.—The Center shall be operated in a manner and for purposes that qualify the Center for exemption from taxation under the Internal Revenue Code as an organization described in section 501(c)(3) of such Code.

''(l) ANNUAL REPORT.—The Board shall submit an annual report to the appropriate committees of Congress that, at minimum,—

''(1) includes a review and examination of—

''(A) the activities performed as set forth in subsections (d) and (e) during the prior fiscal year;

''(B) the advisory committee as described under subsection (h); and

''(C) the working groups as described under subsection (i); and

''(2) provides recommendations to improve the role, responsibilities, and functions of the Center to achieve the purpose set forth in subsection (c).

''(m) AUDIT BY THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.—

''(1) IN GENERAL.—Not later than 2 years after the date on which the Center is established under subsection (a), the inspector general of the Department of Transportation shall conduct a review of the Center.

''(2) CONTENTS.—The review shall—

''(A) include, at a minimum—

''(i) an evaluation of the efforts taken at the Center to achieve the purpose set forth in subsection (c); and

''(ii) the recommendations provided by the Board in subsection (l)(2); and

''(B) provide any other information that the inspector general determines is appropriate.

''(3) REPORT ON AUDIT.—

''(A) REPORT TO SECRETARY.—Not later than 30 days after the date of completion of the audit, the inspector general shall submit to the Secretary a report on the results of the audit.

''(B) REPORT TO CONGRESS.—Not later than 60 days after the date of receipt of the report under subparagraph (A), the Secretary shall submit to the appropriate committees of Congress a copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.

''(n) FUNDING.—

''(1) IN GENERAL.—In order to carry out this section, notwithstanding any other provision of law, an amount equal to 3 percent of the interest from investment credited to the Airport and Airway Trust Fund shall be transferred annually from the Airport and Airway Trust Fund as a direct lump sum payment on the first day of October to the Center to carry out this section and shall be available until expended without further act of appropriation.

''(2) CALCULATION.—In carrying out paragraph (1), the Secretary of the Treasury shall calculate the transfer of funding based on the estimates of revenues into the Airport and Airway Trust Fund from the previous fiscal year.

''(o) EXCEPTION.—The Secretary of Transportation may temporarily waive expenditures or obligations under subsection (n) in the case of—

''(1) an appropriation measure for a fiscal year is not enacted before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect; or

''(2) a national emergency or other significant event that results in a significant loss in total funding to the Airport and Airway Trust Fund, as determined by the Secretary.

''(p) DEFINITIONS.—In this section:

''(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(3) STEM.—The term 'STEM' means science, technology, engineering, and mathematics.''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by inserting after the item relating to section 119 the following:

''120. National Center for the Advancement of Aviation.''.

(d) EXPENDITURE AUTHORITY FROM THE AIRPORT AND AIRWAYS TRUST FUND.—Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 is amended by striking the semicolon at the end and inserting ''or the National Center for the Advancement of Aviation Act of 2022;''.

(e) PREVENTION OF DUPLICATIVE PROGRAMS.—The Board of Directors of the National Center for the Advancement of Aviation established under section 120 of title 49, United States Code (as added by subsection (b) of this section), shall coordinate with the Administrator of the Federal Aviation Administration to prevent any programs of the Center from duplicating programs established under section 625 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note).

SA 6424. Mr. MENENDEZ (for himself, Mr. KENNEDY, Mr. BOOKER, Mr. BLUMENTHAL, Mr. COONS, Mr. BROWN, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HASSAN, Mr. CASEY, 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, 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 6425. 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 6426. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. AUTHORITY OF ARMY COUNTERINTELLIGENCE AGENTS TO EXECUTE WARRANTS AND MAKE ARRESTS.

(a) AUTHORITY TO EXECUTE WARRANTS AND MAKE ARRESTS.—Section 7377 of title 10, United States Code, is amended—

(1) in the section heading, by inserting ''**and the Army Counterintelligence Command**'' before the colon; and

(2) in subsection (b)—

(A) by striking ''any employee of the Department of the Army who is'' and inserting the following: ''any employee of the Department of the Army—

''(1) who is'';

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

(C) by adding at the end the following new paragraph:

''(2) who is a special agent of the Army Counterintelligence Command (or a successor to that command) whose duties include conducting, supervising, or coordinating counterintelligence investigations involving potential or alleged violations punishable under chapter 37, 113B, or 115 of title 18 and similar offenses punishable under this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 747 of such title is amended by striking the item relating to section 7377 and inserting the following new item:

''7377. Civilian special agents of the Criminal Investigation Command and the Army Counterintelligence Command: authority to execute warrants and make arrests.''.

SA 6427. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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 ____—AMERICAN OFFSHORE WORKER FAIRNESS

SEC. __1. SHORT TITLE.

This title may be cited as the ''American Offshore Worker Fairness Act''.

SEC. __2. MANNING AND CREWING REQUIREMENTS FOR CERTAIN OUTER CONTINENTAL SHELF VESSELS, VEHICLES, AND STRUCTURES.

(a) AUTHORIZATION OF LIMITED EXEMPTIONS FROM MANNING AND CREW REQUIREMENT.—Section 30(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(c)) is amended—

(1) in paragraph (1)(C), by striking ''; and'' and inserting a period;

(2) beginning in the matter preceding paragraph (1), by striking ''(c) The regulations issued under subsection (a)(3) of this section'' and all that follows through ''to any vessel'' in paragraph (1) and inserting the following:

''(c) EXEMPTIONS.—

''(1) IN GENERAL.—The regulations issued under subsection (a)(3) shall not apply to any vessel''; and

(3) in paragraph (2)—

(A) by striking ''(2) to any vessel'' and inserting the following:

''(2) EXEMPTION FOR CERTAIN FOREIGN-OWNED VESSELS, RIGS, PLATFORMS, AND OTHER VEHICLES OR STRUCTURES.—

''(A) IN GENERAL.—Subject to the requirements of this paragraph, the regulations issued under subsection (a)(3) shall not apply to any vessel'';

(B) in subparagraph (A) (as so designated), by striking ''the exploration, development, or production of oil and gas'' and inserting ''exploring for, developing, or producing resources, including nonmineral energy resources,''; and

(C) by adding at the end the following:

''(B) CONDITION.—An exemption under subparagraph (A) shall be subject to the condition that each individual who is manning or crewing the vessel, rig, platform, or other vehicle or structure is—

''(i) a citizen of the United States;

''(ii) an alien lawfully admitted to the United States for permanent residence; or

''(iii) a citizen of the nation under the laws of which the vessel, rig, platform, or other vehicle or structure is documented.

''(C) REQUIREMENTS.—An exemption under subparagraph (A)—

''(i) shall provide that the number of individuals manning or crewing the vessel, rig, platform, or other vehicle or structure who are individuals described in clause (ii) or (iii) of subparagraph (B) may not exceed 2.5 times the number of individuals required to man or crew the vessel, rig, platform, or other vehicle or structure under the laws of the nation in which the vessel, rig, platform, or other vehicle or structure is documented; and

''(ii) subject to subparagraph (D), shall be effective for not more than 1 year.

''(D) APPLICATION.—

''(i) IN GENERAL.—The owner or operator of a vessel, rig, platform, or other vehicle or structure described in subparagraph (A) may submit to the Secretary of the department in which the Coast Guard is operating an application for an exemption or a renewal of an exemption under that subparagraph.

''(ii) CONTENTS.—An application under clause (i) shall include a sworn statement by the applicant of all information required by the Secretary of the department in which the Coast Guard is operating for the issuance of the exemption.

''(E) REVOCATIONS.—

''(i) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may revoke an exemption for a vessel, rig, platform, or other vehicle or structure under subparagraph (A) if the Secretary of the department in which the Coast Guard is operating determines that information provided in the application for the exemption—

''(I) was false or incomplete; or

''(II) is no longer true or complete.

''(ii) MANNING OR CREWING VIOLATION.—The Secretary of the department in which the Coast Guard is operating shall immediately revoke an exemption for a vessel, rig, platform, or other vehicle or structure under subparagraph (A) if the Secretary of the department in which the Coast Guard is operating determines that, during the effective period of the exemption, the vessel, rig, platform, or other vehicle or structure was manned or crewed in a manner that—

''(I) was not authorized by the exemption; or

''(II) does not otherwise comply with this paragraph.

''(iii) NOTICE.—The Secretary of the department in which the Coast Guard is operating shall provide notice of a determination and revocation under clause (i) or (ii) to the owner, operator, agent, or master of the vessel, rig, platform, or other vehicle or structure.

''(F) REVIEW OF COMPLIANCE.—

''(i) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall periodically, but not less frequently than annually, inspect each vessel, rig, platform, or other vehicle or structure for which an exemption under subparagraph (A) has been granted to verify the compliance of the vessel, rig, platform, or other vehicle or structure with this paragraph.

''(ii) REQUIREMENT.—During each inspection of a vessel, rig, platform, or other vehicle or structure under clause (i), the Secretary of the department in which the Coast Guard is operating shall require all individuals who are manning or crewing the vessel, rig, platform, or other vehicle or structure to hold a valid Transportation Worker Identification Credential.

''(G) CIVIL PENALTIES.—The Secretary of the department in which the Coast Guard is operating may impose on the owner or operator of a vessel, rig, platform, or other vehicle or structure for which an exemption under subparagraph (A) has been granted a civil penalty of $10,000 per day for each day the vessel, rig, platform, or other vehicle or structure—

''(i) is manned or crewed in violation of this paragraph; or

''(ii) operates under the exemption, if the Secretary of the department in which the Coast Guard is operating determines that—

''(I) the exemption was not validly obtained; or

''(II) information provided in the application for the exemption was false or incomplete.

''(H) NOTIFICATION OF SECRETARY OF STATE.—The Secretary of the department in which the Coast Guard is operating shall notify the Secretary of State of each exemption issued under this subsection, including information on the effective period of the exemption.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall promulgate regulations that specify the application requirements and process and other requirements for an exemption under subsection (c)(2)(A) of section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356).

(2) APPLICATION OF LETTERS OF DETERMINATION PROCESS.—Regulations that specify that the regular complement of the crew regulations and process for making such determinations under subsections (b) and (c) of section 141.15 of title 33, Code of Federal Regulations, respectively is available to vessels with an exemption under this section. In promulgating these regulations, the Secretary shall update the list of the positions that are not part of the regular compliment of the crew, in consultation with the Maritime Administration. Further, the Secretary shall promulgate regulations specifying that any Letter of Determination request that are not approved within 20 business days are deemed approved.

(3) LETTER OF EXEMPTION PROCESS.—Regulations specifying that the letter of exemption process provided under section 141.20(a)(2) of title 33, Code of Federal Regulations, is available to foreign flagged vessels. Further, the Secretary shall promulgate regulations specifying that any Letter of Exemption request that are not approved within 30 business days are deemed approved.

(c) EXISTING EXEMPTIONS.—

(1) IN GENERAL.—During the two-year period beginning on the date of enactment of this Act, each exemption granted under section 30(c)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(c)(2)) (as in effect on the day before the date of enactment of this Act) before the date of enactment of this Act—

(A) shall remain in effect; and

(B) shall not be affected by the amendments made by subsection (a).

(2) TERMINATION.—On the day after the last day of the period described in paragraph (1), each exemption described in that paragraph shall terminate.

(3) NOTIFICATION.—Not later than one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall notify all persons that hold an exemption described in paragraph (1) that the exemption will terminate in accordance with paragraph (2).

(4) DIFFERENT TERMINATIONS.—The following types of vessels shall have exemptions terminations that are different than what is specified under paragraph (1):

(A) Wind Turbine Installation Vessels meeting the requirements of section 30(c)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(c)(2)) may employ individuals from any nation for a period of 4 years after the date of enactment of this Act. However, nothing in this subparagraph shall be construed as allowing such vessels to operate without an exemption.

(B) Mobile offshore drilling units and drill ships meeting the requirements of section 30(c)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(c)(2)) may employ individuals from any nation as part of their manning and crewing complement during this period. However, nothing in this subparagraph shall be construed as allowing such vessels to operate without an exemption.

(C) Installation vessels meeting the requirements of section 30(c)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(c)(2)) may employ individuals from any nation as part of their manning and crewing complement during this period. However, nothing in this subparagraph shall be construed as allowing such vessels to operate without an exemption.

(D) Training vessels meeting the requirements of section 30(c)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(c)(2)) may employ individuals from any nation as part of their manning and crewing complement for a period of three years after the date of enactment of this Act if such vessels are currently training a sufficient number of U.S. citizens to man or crew the vessel.

(d) INTERIM EXEMPTIONS.—After the date of enactment of this Act, but prior to the last day of the period described in subsection (c)(1), vessels, meeting the requirements of section 30(c)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(c)(2)), shall complete an application provided by the Secretary for an exemption that expires on the day after the last day of the period described in subsection (c)(1).

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall submit to Congress a report that describes the number of exemptions granted under subsection (c)(2)(A) of section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356) during the preceding year.

(2) REQUIREMENTS.—Each report under paragraph (1) shall list for each vessel, rig, platform, or other vehicle or structure granted an exemption during the preceding year—

(A) the name and International Maritime Organization number of the vessel, rig, platform, or other vehicle or structure;

(B) the flag of the vessel, rig, platform, or other vehicle or structure;

(C) the nationality of the 1 or more owners of the vessel, rig, platform, or other vehicle or structure; and

(D) any changes to the information described in subparagraphs (A) through (C) applicable to the vessel, rig, platform, or other vehicle or structure if the vessel, rig, platform, or other vehicle or structure has received a prior exemption under subsection (c)(2)(A) of section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356) or section 30(c)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(c)(2)) (as in effect on the day before the date of enactment of this Act).

SEC. _3. CUSTOMS AND BORDER PROTECTION TRANSPARENCY PROMOTION.

Chapter 551 of title 46, United States Code, is amended by inserting after section 55101 the following:

''SEC. 55101A. PETITIONS BY DOMESTIC INTERESTED PARTIES.

''(a) DEFINITIONS.—

''(1) INTERESTED PARTY.—As used in this section, the term 'interested party' means a party where—

''(A) the owner or operator of a vessel engaged in coastwise trade;

''(B) a manufacturer of coastwise qualified vessels;

''(C) a certified labor organization, recognized labor organization, or group of workers or mariners which is representative of an industry engaged or employed in—

''(i) the coastwise trade; or

''(ii) coastwise qualified vessel construction;

''(D) a trade or business association a majority of whose members are—

''(i) owners or operators of vessels engaged in coastwise trade; or

''(ii) manufacturers of coastwise qualified vessels; oe

''(E) an association, a majority of whose members are composed of persons described in subparagraphs (A) through (D).

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Department in which the Coast Guard is operating.

''(b) INTERPRETIVE RULINGS.—The Secretary shall, upon written request by an interested party, furnish, within 60 days, an interpretive ruling regarding a non-coastwise qualified vessel's activities and compliance with United States laws in United States internal waters, the territorial sea, and the waters of the outer Continental Shelf, including the vessel's compliance with section 55101 to 55121, and section 50503 of this title. If the interested party believes that the conclusion of such interpretive ruling, or any other interpretive ruling regarding the interpretation, application, or enforcement of the coastwise laws, is incorrect, it may file a petition with the Secretary setting forth—

''(1) its understanding of the factual scenario;

''(2) the outcome of the decision that it believes to be proper in the provided factual scenario; and

''(3) the reasons for its belief.

''(c) DETERMINATION ON PETITION.—If, after receipt and consideration of a petition filed by such an interested party, the Secretary determines that the conclusion reached in the contested letter is not correct, the Secretary shall determine the proper outcome and notify the interested party of the Secretary's determination within 60 days.

''(d) CONTEST BY PETITIONER.—If the Secretary determines that the contested interpretive ruling filed pursuant to subsection (b) is correct, the Secretary shall notify the interested party within 30 days. The interested party may file an appeal, not later than 30 days after the date of the notification to contest the ruling. Upon receipt of an appeal from the interested party, the Secretary shall make a determination of the interpretive ruling as presented in the ruling letter within seven days.

''(e) REVIEW OF INTERPRETIVE RULING.—Within 90 days after the petitioner files the notice in subparagraph (d) of a desire to contest a ruling, any interested party may commence an action in any United States District Court, subject to the venue requirements of section 1391 of title 28, United States Code, by filing concurrently a summons and complaint, each with the content and in the form, manner, and style prescribed by the rules of such court, contesting any legal conclusions of the Secretary.

''(f) REGULATIONS IMPLEMENTING REQUIRED PROCEDURES.—Regulations shall be prescribed by the Secretary to implement the procedures required under this section no later than 90 days after the date of enactment of this section.''.

SEC. _4. RULES OF CONSTRUCTION.

(a) OUTER CONTINENTAL SHELF LANDS ACT.—Nothing in this title or the amendments made by this title may be construed to nullify or supersede any other provision of law relating to the outer Continental Shelf (as such term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)).

(b) RULING LETTERS.—Nothing in this title or the amendments made by this title may be construed as congressional validation of a ruling letter, interpretative guidance, doctrine or other action issued by the Secretary of Homeland Security.

SEC. __5. NOTIFICATION.

(a) ADVANCE NOTIFICATION REQUIRED.—Prior to engaging in any activity or operations on the outer Continental Shelf, the operator of a foreign-flag vessel used in such activity or operations shall file with the Secretary a notification describing all activities and operations to be performed on the outer Continental Shelf and an identification of applicable ruling letters issued by the Secretary that have approved the use of a foreign-flag vessel in a substantially similar activity or operation.

(b) PUBLICATION OF NOTICES.—

(1) PUBLICATION.—The Secretary shall publish a notification under subsection (a) in the Customs Bulletin and Decisions within 14 days of receipt of such notification.

(2) CONFIDENTIAL INFORMATION.—The Secretary shall redact any information exempt from dis¬closure under section 552 of title 5, United States Code, in a notification published under paragraph (1).

SEC. __6. PUBLICATION OF FINES AND PENALTIES.

Section 55102 of title 46, United States Code, is amended by adding at the end the following:

''(d) PUBLICATION OF PENALTY.—Upon the seizure by the Federal Government of any merchandise, the issuance of a pre-penalty notice, or the issuance of a final penalty (including a settlement) under subsection (c), the Secretary shall publish a notification in the Customs Bulletin and Decisions within seven days of effectuating such seizure of merchandise, or issuing any such penalty notice to the affected party. The notification shall include, at a minimum, the following:

''(1) The name of the vessel involved in the penalty.

''(2) The name of the owner of the vessel involved in the penalty.

''(3) The amount of the fine or value of merchandise seized as a result of the violation.

''(4) A summary of the alleged misconduct and justification for imposing a penalty.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to implement subsection (d) within 90 days after the date of enactment of such subsection, particularly regarding information to be contained in the notification, or amend any other regulations relating to penalties issued by Customs & Border Protection in order to implement this section.''.

SEC. __7. PROHIBITION ON JONES ACT PENALTY MITIGATION.

Section 55102(c) of title 46, United States Code, is amended by inserting ''The Secretary may not mitigate or lower any such penalty amount.'' after ''transported.''.

SA 6428. 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 F of title XII, add the following:

SEC. 1276. REPORT ON MALIGN ACTIVITY INVOLVING CHINESE STATE-OWNED ENTERPRISES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that—

(1) assesses whether and to what extent state-owned enterprises in the People's Republic of China are engaged in or knowingly facilitating—

(A) the commission of serious human rights abuses, including toward religious or ethnic minorities in the People's Republic of China, including in the Xinjiang Uyghur Autonomous Region;

(B) the use of forced or child labor, including forced or child labor involving ethnic minorities in the People's Republic of China;

(C) any actions that erode or undermine the autonomy of Hong Kong from the People's Republic of China, as established in the Basic Law of Hong Kong and the Joint Declaration, and as further described in the Hong Kong Autonomy Act (Public Law 116–149; 22 U.S.C. 5701 note); or

(D) the military-civil fusion strategy of the Government of the People's Republic of China;

(2) assesses, to the extent practicable, whether and to what extent enterprises in the People's Republic of China that are not state-owned enterprises are engaged in or knowingly facilitating any of the activities described in paragraph (1);

(3) identifies—

(A) any state-owned enterprises in the People's Republic of China that are engaged in or knowingly facilitating any activities described in paragraph (1);

(B) any Communist Chinese military companies identified under section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note);

(C) any majority-owned subsidiaries of such enterprises or companies with a market capitalization of $5,000,000,000 or more; and

(D) any enterprises in the People's Republic of China that—

(i) are not state-owned enterprises;

(ii) are engaged in or knowingly facilitating any activities described in paragraph (1); and

(iii) have received financial assistance from the United States Government during the 5-year period preceding submission of the report;

(4)(A) assesses whether each enterprise, company, or subsidiary identified under paragraph (2) received, during the 5-year period preceding submission of the report, any loan that is made, guaranteed, or insured by, or financial assistance from, an agency of the United States Government; and

(B) in the case of any such enterprise, company, or subsidiary that received a loan or financial assistance described in subparagraph (A), identifies the amount of such loan, loans, or financial assistance received by the enterprise, company, or subsidiary; and

(5) includes recommendations for any legislative or administrative action to address matters identified in the report, including any recommendations with respect to additional limitations on United States financial assistance provided to enterprises, companies, and subsidiaries identified under paragraph (2).

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(c) DEFINITIONS.—In this section:

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

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

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

(2) JOINT DECLARATION.—The term ''Joint Declaration'' means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing December 19, 1984.

SA 6429. 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. MECHANISMS TO AVOID UNITED STATES' CONTRIBUTIONS TO TERRORISM, HUMAN RIGHTS ABUSES, OR DRUG TRAFFICKING.

(a) STRATEGY.—Not later than 120 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) SEMI-ANNUAL IMPLEMENTATION REPORTS.—Not later than 180 days after the submission of the strategy required under subsection (a), and every 180 days thereafter, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit a report to the appropriate congressional committees that describes the efforts undertaken to implement the strategy required under subsection (a).

SA 6430. 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 EXECUTIVE STEERING COMMITTEE.

(a) ESTABLISHMENT.—There is established with in the Executive Office of the White House, the Arctic Executive Steering Committee (referred to in this section as the ''Committee'').

(b) PURPOSE.—The purpose of the Committee shall be—

(1) to provide guidance to, and enhance the coordination of, Federal Arctic policies across Federal departments and agencies; and

(2) to coordinate the development and implementation of such policies with—

(A) State, local, and Alaska Native tribal governments;

(B) Alaska Native organizations;

(C) Alaska Native Corporations;

(D) academic and research institutions;

(E) private organizations; and

(F) nonprofit organizations.

(c) MEMBERSHIP.—The Committee shall be composed of—

(1) the Director of the Office of Science and Technology Policy, who shall serve as the Chair of the Committee;

(2) the Assistant to the President for National Security Affairs, who shall serve a the Vice Chair of the Committee;

(3) the Chair of the Council on Environmental Quality;

(4) the Director of the National Economic Council;

(5) the Director of the Domestic Policy Council;

(6) the Assistant to the President for Public Engagement and Intergovernmental Affairs; and

(7) a deputy secretary (or a position of equivalent authority) of each of the following entities:

(A) The Department of State.

(B) The Department of Defense.

(C) The Department of Justice.

(D) The Department of the Interior.

(E) The Department of Agriculture.

(F) The Department of Commerce.

(G) The Department of Labor.

(H) The Department of Health and Human Services.

(I) The Department of Housing and Urban Development.

(J) The Department of Transportation.

(K) The Department of Energy.

(L) The Department of Homeland Security.

(M) The Office of the Director of National Intelligence.

(N) The Environmental Protection Agency.

(O) The National Aeronautics and Space Administration.

(P) The National Science Foundation.

(Q) The Arctic Research Commission.

(R) The Office of Management and Budget.

(S) Any other agency or office that the Chair determines is appropriate.

(d) ADMINISTRATION.—

(1) MEETINGS.—The Committee shall meet not less frequently than quarterly, at the call of the Chair.

(2) SUBCOMMITTEES.—The Chair may establish subcommittees or working groups to focus on specific issues.

(3) ADMINISTRATIVE SUPPORT.—Agencies represented on the Committee shall—

(A) provide administrative support and additional resources to support their participation in the Committee; and

(B) bear their own expenses for supporting their participation on the Committee and associated subcommittees or working groups.

(4) POINT OF CONTACT.—Each member of the Committee shall provide to the Executive Officer a single point of contact within the agency represented by such member to coordinate all activities and to collaborate with non-Federal partners.

(e) ACTIVITIES.—The Committee shall—

(1) establish strategic direction, oversee implementation, coordinate funding, and ensure coordination of Federal activities in the Arctic region;

(2) consult with the Governor of the State of Alaska regarding Committee priorities;

(3) facilitate formal consultation with Alaska Native tribal governments and Alaska Native Corporations to maximize transparency and promote collaboration;

(4) develop a process to improve coordination and the sharing of information about policies, rulemakings, funding, and knowledge among Federal, State, local, and Alaska tribal governments, Alaska Native Corporations, Alaska Native organizations, the private sector, and nonprofit entities;

(5) coordinate a strategy and the funding necessary to clean up contaminated lands that have been conveyed and patented, or have been selected to be conveyed and patented, to Alaska Native Corporations pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(6) provide guidance and coordinate efforts to implement the priorities, objectives, activities, and responsibilities identified in Homeland Security Presidential Directive 25 (January 9, 2009; relating to Arctic Region Policy, the 2013 National Strategy for the Arctic Region and its implementation lan, and related agency plans; and

(7) conduct a triennial crosscut of Federal funding for Arctic funding.

(f) ANNUAL REPORT.—The Committee shall submit an annual report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that includes, with respect to the previous 12-month period—

(1) the results of the crosscut conducted pursuant to subsection (e)(7), if conducted during such period;

(2) an overview of the Arctic research;

(3) an overview of the activities and accomplishments of the Committee, and any subcommittees or working groups that were established; and

(4) any other activity of the Committee that the Chair and Vice Chair determine are appropriate to be included in such report.

(g) SUNSET.—The Committee shall be terminated on the date that is 10 years after the date of the enactment of this Act.

SA 6431. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. SUSPENSION OF UNITED STATES' CONTRIBUTIONS TO THE WORLD HEALTH ORGANIZATION UNTIL TAIWAN IS GRANTED OBSERVER STATUS AT THE WORLD HEALTH ASSEMBLY.

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

(1) Congress has repeatedly supported Taiwan's participation in the World Health Assembly, as evidenced by Public Law 106–137, Public Law 107–10, Public Law 108–235, and the recent enactment of Public Law 117–124.

(2) In advance of the 75th World Health Assembly, Secretary of State Antony J Blinken stated: ''Taiwan and its distinct capabilities and approaches——including its significant public health expertise, democratic governance, resilience to COVID–19, and robust economy—offer considerable value to inform the [World Health Assembly's] deliberations. There is no reasonable justification to exclude its participation, which will benefit the world. As we continue to fight COVID–19 and other emerging health threats, Taiwan's isolation from the preeminent global health forum is unwarranted and undermines inclusive global public health cooperation.''.

(3) The People's Republic of China continues to use its voice, vote, and influence to resist Taiwan's participation in the World Health Assembly.

(b) PURPOSE.—The purpose of this section is to address United States' contributions to the World Health Organization so that if Taiwan continues to be excluded from the World Health Organization—

(1) no Federal funds may be used to pay dues to the World Health Organization; and

(2) Federal funds that would otherwise be expended on such dues may be used to support alternate global health organizations.

(c) PROHIBITION.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available to any Federal agency may be obligated or expended to provide assessed or voluntary contributions to the World Health Organization until the President certifies to Congress that Taiwan has been granted observer status at the World Health Assembly.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President $600,000,000 for each of the fiscal years 2023 and 2024, which may be used to establish or otherwise participate in a global health organization that—

(1) is not associated with the United Nations or the World Health Assembly;

(2) serves a similar function as the World Health Assembly by coordinating global health efforts; and

(3) includes Taiwan as a fully participating member.

SA 6432. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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___. POST-EMPLOYMENT LIMITATIONS ON PRESIDENTIAL APPOINTEES WITH RESPECT TO THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA, THE CHINESE COMMUNIST PARTY, AND CHINESE MILITARY COMPANIES.

Section 207 of title 18, United States Code, is amended by adding at the end the following:

''(m) RESTRICTIONS ON PRESIDENTIAL APPOINTEES WITH RESPECT TO THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA, THE CHINESE COMMUNIST PARTY, AND CHINESE MILITARY COMPANIES.—

''(1) IN GENERAL.—In addition to the other restrictions set forth in this section, any person who serves in a position pursuant to an appointment made by the President and who knowingly, at any time after the termination of his or her service in the position—

''(A) represents an entity described in paragraph (2) before any officer or employee of any department or agency of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties; or

''(B) aids or advises an entity described in paragraph (2) with the intent to influence a decision of any officer or employee of any department or agency of the United States, in carrying out his or her official duties,

shall be punished as provided in section 216 of this title.

''(2) ENTITIES.—An entity described in this paragraph is any of the following:

''(A) The Government of the People's Republic of China.

''(B) The Chinese Communist Party.

''(C) Any entity identified under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note).

''(D) An entity based in the People's Republic of China that is included on the entity list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations.''.

SA 6433. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. SUPPORTING HUMAN RIGHTS IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) DECLARATIONS OF POLICY.—Congress—

(1) calls upon the Government of the People's Republic of China (referred to in this section as the ''PRC'')—

(A) to permit regular, unsupervised visits by United States Members of Congress, congressional staff delegations, the United States Special Coordinator for Uyghur Issues designated pursuant to subsection (c), members and staff of the Congressional-Executive Commission on the People's Republic of China, journalists, and diplomats to the Xinjiang Uyghur Autonomous Region (referred to in this section as the ''XUAR'');

(B) to guarantee the rights of Uyghurs and members of other Muslim minority groups in the XUAR, as stipulated in the PRC Constitution and international human rights agreements;

(C) to recognize, and seek to ensure, the distinct ethnic, cultural, religious, and linguistic identity of Uyghurs and members of other Muslim minority groups in the XUAR;

(D) to cease all government-sponsored crackdowns, imprisonments, and detentions of people throughout the XUAR aimed at those involved in the peaceful expression of their ethnic, cultural, political, or religious identity; and

(E) to release all people who have been unjustly detained without due process;

(2) commends countries that have provided shelter and hospitality to Uyghurs in exile, including Turkey, Albania, and Germany; and

(3) urges countries with sizeable Muslim populations, given their common religious and cultural identity, to demonstrate particular concern over the plight of Uyghurs.

(b) XINJIANG GENOCIDE TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall establish the Xinjiang Genocide Task Force (referred to in this subsection as the ''Task Force'')—

(A) to assess the ongoing genocide and crimes against humanity in the XUAR;

(B) to recommend United States policy responses to such crimes; and

(C) to coordinate advocacy efforts with other nations and within international organizations.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Task Force shall be composed of—

(i) the United States Special Coordinator for Uyghur Issues;

(ii) the Secretary of State, or his or her designee;

(iii) the Secretary of the Treasury, or his or her designee;

(iv) the Secretary of Homeland Security, or his or her designee;

(v) the Commissioner of U.S. Customs and Border Protection, or his or her designee;

(vi) the Secretary of Commerce, or his or her designee;

(vii) the Director of National Intelligence, or his or her designee;

(viii) the Secretary of Defense, or his or her designee; and

(ix) the United States Permanent Representative to the United Nations, or his or her designee.

(B) CHAIR.—The United States Special Coordinator for Uyghur Issues shall serve as the Chair of the Task Force.

(3) DUTIES.—The Task Force shall—

(A) assess the situation facing Uyghurs and members of other Muslim minority groups in the XUAR;

(B) identify policy and legal gaps and make policy recommendations to the President to ensure that the United States Government takes a leading role in addressing the genocide and crimes against humanity currently taking place in the XUAR; and

(C) coordinate United States policy responses and advocacy with other nations and within international organizations.

(4) POWERS.—

(A) HEARINGS.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—The Task Force may authorize any member of the Task Force to take any action that the Task Force is authorized to take under this subsection.

(5) STAFF.—

(A) PERSONNEL.—The United States Special Coordinator for Uyghur Issues may appoint staff to inform, support, and enable Task Force members in the fulfillment of their duties.

(B) DETAILEES.—The head of any Federal department or agency may detail, on a non-reimbursable basis, any of the personnel of that department or agency to the Task Force to assist the Task Force in carrying out its duties.

(C) EXPERT CONSULTANTS.—The Task Force may commission intermittent research or other information from experts and provide stipends for engagement consistent with relevant statutes and regulations.

(6) INTERIM REPORT TO CONGRESS.—Not later than 1 year after the establishment of the Task Force, the Task Force shall prepare and submit an interim report to Congress containing—

(A) an assessment of the situation in the XUAR;

(B) the United States policy responses to such situation; and

(C) coordination and advocacy efforts with other nations and within international organizations.

(7) SUNSET.—The Task Force shall terminate when the Secretary of State determines that genocide and crimes against humanity against Uyghurs and members of other Muslim minority groups is no longer occurring in the XUAR.

(c) UNITED STATES SPECIAL COORDINATOR FOR UYGHUR ISSUES.—

(1) IN GENERAL.—The Secretary of State, after consultation with the Chair and Ranking Member of the Committee on Foreign Relations of the Senate and the Chair and Ranking Member of the Committee on Foreign Affairs of the House of Representatives shall appoint, within the Department of State, a United States Special Coordinator for Uyghur Issues (referred to in this subsection as the ''Special Coordinator'').

(2) CENTRAL OBJECTIVE.—The Special Coordinator should seek to promote the protection and preservation of the distinct ethnic, cultural, religious, and linguistic identities of the Uyghurs.

(3) RESPONSIBILITIES.—The Special Coordinator should—

(A) coordinate United States Government policies, programs, and projects concerning the Uyghurs;

(B) vigorously promote the policy of seeking to protect the distinct ethnic, religious, cultural, and linguistic identity of the Uyghurs and seek improved respect for human rights in the XUAR;

(C) maintain close contact with religious, cultural, and political leaders of the Uyghurs, including seeking regular travel to the XUAR and to Uyghur settlements in Central Asia, Turkey, Albania, Germany, and other parts of Europe;

(D) lead coordination efforts for the release of political prisoners in the XUAR who are being detained for exercising their human rights;

(E) consult with Congress on policies relevant to the XUAR and the Uyghurs;

(F) coordinate with relevant Federal agencies to administer aid to Uyghur rights advocates;

(G) make efforts to establish contacts with foreign ministries of other countries to pursue a policy of promoting greater respect for human rights and religious freedom for Uyghurs and other groups; and

(H) coordinate United States outreach and advocacy within international organizations on behalf of the Uyghurs and members of other Muslim minority groups in the XUAR.

(4) SUPPORT.—The Secretary of State shall ensure the Special Coordinator has adequate resources, staff, and administrative support to carry out the objective and responsibilities described in paragraphs (2) and (3).

SA 6434. 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 X, insert the following:

SEC. _____. DYNAMIC AIRSPACE PILOT PROGRAM.

(a) PILOT PROGRAM.—

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

(A) increased access to special activity airspace used by the Department of Defense for infrequent, limited duration testing and training events; and

(B) streamlined processes for designating and activating special activity airspace for activities described in subparagraph (A).

(2) DEVELOPMENT, TEST, AND ASSESSMENT OF DYNAMIC AIRSPACE.—Under the pilot program established under paragraph (1), the Administrator and the Secretary shall jointly establish not less than 2 use cases concerning temporary or permanent special activity airspace established by the Federal Aviation Administration for use by the Department of Defense that develop, test, and assess—

(A) streamlined processes to designate and activate such airspace;

(B) whether the streamlined processes supporting the designation and activation of the temporary or permanent special activity airspace available for infrequent, limited duration testing and training events by the Department of Defense are efficient, practical, and sufficient to accommodate the testing and training requirements of the Department of Defense; and

(C) a streamlined process for the Department of Defense to request the activation of special activity airspace for infrequent, limited duration events pursuant to emerging military training requirements.

(b) REQUIREMENTS.—The pilot program established by subsection (a) shall not interfere with—

(1) the public's right of transit consistent with national security;

(2) the use of airspace necessary to ensure the safety of aircraft within the National Airspace System; and

(3) the use of airspace necessary to ensure the efficient use of the National Airspace System.

(c) REPORT BY THE ADMINISTRATOR.—

(1) IN GENERAL.—Not less than 2 years after the date of the establishment of the pilot program under subsection (a)(1), the Administrator shall submit to the appropriate committees of Congress a report on the interim findings of the Administrator with respect to the pilot program.

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

(A) An analysis of how the pilot program established under subsection (a)(1) affected policies on designating and activating special activity airspace with an emphasis on the impact to other nonparticipating users of the National Airspace System.

(B) An analysis of whether the streamlined processes for designating or activating special activity airspace involved in the pilot program established under subsection (a)(1) contributed to—

(i) the public's right of transit consistent with national security;

(ii) the use of airspace necessary to ensure the safety of aircraft within the National Airspace System; and

(iii) the use of airspace necessary to ensure the efficient use of the National Airspace System.

(d) REPORT BY THE SECRETARY OF DEFENSE.—Not less than 2 years after the date of the establishment of the pilot program under subsection (a)(1), the Secretary shall submit to the appropriate committees of Congress a report on the interim findings of the Secretary with respect to the pilot program. Such report shall include an analysis of how the pilot program affected military testing and training.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

(2) INCREASED ACCESS.—The term ''increased access'' means augmented activation of tailored special activity airspace locations, shapes, altitudes, and scheduling tools, facilitated by improvements to strategic and tactical planning between the Federal Aviation Administration and the Department of Defense that result in timely mission readiness and execution, to include paths to accommodate plan changes within parameters deemed reasonable by the Administrator and Secretary.

(3) SPECIAL ACTIVITY AIRSPACE.—The term ''special activity airspace'' means the following airspace with defined dimensions within the National Airspace System wherein limitations may be imposed upon aircraft operations:

(A) Restricted areas.

(B) Military operations areas.

(C) Air traffic control assigned airspace.

(D) Warning areas.

(4) USE CASES.—The term ''use cases'' means a compendium of airspace utilization data collected from the development, testing, and assessment conducted under subsection (a)(1) within a specific geographic region as determined by the Administrator and Secretary.

(f) DURATION.—The pilot program under subsection (a)(1) shall continue for not more than 3 years after the date on which it is established.

SA 6435. Ms. CANTWELL (for herself 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, add the following:

DIVISION E—COAST GUARD AUTHORIZATION ACT OF 2022

SEC. 5001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Coast Guard Authorization Act of 2022''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 5002. DEFINITION OF COMMANDANT.

In this division, the term ''Commandant'' means the Commandant of the Coast Guard.

TITLE LI—AUTHORIZATIONS

SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.

Section 4902 of title 14, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal years 2020 and 2021'' and inserting ''fiscal years 2022 and 2023'';

(2) in paragraph (1)—

(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

''(i) $10,000,000,000 for fiscal year 2022; and

''(ii) $10,750,000,000 for fiscal year 2023.'';

(B) in subparagraph (B), by striking ''$17,035,000'' and inserting ''$23,456,000''; and

(C) in subparagraph (C), by striking '', (A)(ii) $17,376,000'' and inserting ''(A)(ii), $24,353,000'';

(3) in paragraph (2)—

(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

''(i) $2,459,100,000 for fiscal year 2022; and

''(ii) $3,477,600,000 for fiscal year 2023.''; and

(B) in subparagraph (B), by striking clauses (i) and (ii) and inserting the following:

''(i) $20,400,000 for fiscal year 2022; and

''(ii) $20,808,000 for fiscal year 2023.'';

(4) in paragraph (3), by striking subparagraphs (A) and (B) and inserting the following:

''(A) $7,476,000 for fiscal year 2022; and

''(B) $14,681,084 for fiscal year 2023.''; and

(5) in paragraph (4), by striking subparagraphs (A) and (B) and inserting the following:

''(A) $240,577,000 for fiscal year 2022; and

''(B) $252,887,000 for fiscal year 2023.''.

SEC. 5102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

Section 4904 of title 14, United States Code, is amended—

(1) in subsection (a), by striking ''fiscal years 2020 and 2021'' and inserting ''fiscal years 2022 and 2023''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''fiscal years 2020 and 2021'' and inserting ''fiscal years 2022 and 2023''.

SEC. 5103. AUTHORIZATION FOR SHORESIDE INFRASTRUCTURE AND FACILITIES.

(a) IN GENERAL.—In addition to the amounts authorized to be appropriated under section 4902(2)(A) of title 14, United States Code, as amended by section 5101 of this division, for the period of fiscal years 2023 through 2028—

(1) $3,000,000,000 is authorized to fund maintenance, new construction, and repairs needed for Coast Guard shoreside infrastructure;

(2) $160,000,000 is authorized to fund phase two of the recapitalization project at Coast Guard Training Center Cape May in Cape May, New Jersey, to improve recruitment and training of a diverse Coast Guard workforce; and

(3) $80,000,000 is authorized for the construction of additional new child care development centers not constructed using funds authorized by the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 429).

(b) COAST GUARD YARD RESILIENT INFRASTRUCTURE AND CONSTRUCTION IMPROVEMENT.—In addition to the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 5101 of this division—

(1) $400,000,000 is authorized for the period of fiscal years 2023 through 2028 for the Secretary of the department in which the Coast Guard is operating for the purposes of improvements to facilities of the Yard; and

(2) $236,000,000 is authorized for the acquisition of a new floating drydock, to remain available until expended.

SEC. 5104. AUTHORIZATION FOR ACQUISITION OF VESSELS.

In addition to the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 5101 of this division, for the period of fiscal years 2023 through 2028—

(1) $350,000,000 is authorized for the acquisition of a Great Lakes icebreaker that is at least as capable as Coast Guard cutter *Mackinaw* (WLBB–30);

(2) $172,500,000 is authorized for the program management, design, and acquisition of 12 Pacific Northwest heavy weather boats that are at least as capable as the Coast Guard 52-foot motor surfboat;

(3) $841,000,000 is authorized for the third Polar Security Cutter;

(4) $20,000,000 is authorized for initiation of activities to support acquisition of the Arctic Security Cutter class, including program planning and requirements development to include the establishment of an Arctic Security Cutter Program Office;

(5) $650,000,000 is authorized for the continued acquisition of Offshore Patrol Cutters; and

(6) $650,000,000 is authorized for a twelfth National Security Cutter.

SEC. 5105. AUTHORIZATION FOR THE CHILD CARE SUBSIDY PROGRAM.

In addition to the amounts authorized to be appropriated under section 4902(1)(A) of title 14, United States Code, $25,000,000 is authorized to the Commandant for each of fiscal years 2023 and 2024 for the child care subsidy program.

TITLE LII—COAST GUARD

Subtitle A—Infrastructure and Assets

SEC. 5201. REPORT ON SHORESIDE INFRASTRUCTURE AND FACILITIES NEEDS.

Not less frequently than annually, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a detailed list of shoreside infrastructure needs for all Coast Guard facilities located within each Coast Guard District in the order of priority, including recapitalization, maintenance needs in excess of $25,000, dredging, and other shoreside infrastructure needs of the Coast Guard;

(2) the estimated cost of projects to fulfill such needs, to the extent available; and

(3) a general description of the state of planning for each such project.

SEC. 5202. FLEET MIX ANALYSIS AND SHORE INFRASTRUCTURE INVESTMENT PLAN.

(a) FLEET MIX ANALYSIS.—

(1) IN GENERAL.—The Commandant shall conduct an updated fleet mix analysis that provides for a fleet mix sufficient, as determined by the Commandant—

(A) to carry out—

(i) the missions of the Coast Guard; and

(ii) emerging mission requirements; and

(B) to address—

(i) national security threats; and

(ii) the global deployment of the Coast Guard to counter great power competitors.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to Congress a report on the results of the updated fleet mix analysis required by paragraph (1).

(b) SHORE INFRASTRUCTURE INVESTMENT PLAN.—

(1) IN GENERAL.—The Commandant shall develop an updated shore infrastructure investment plan that includes—

(A) the construction of additional facilities to accommodate the updated fleet mix described in subsection (a)(1);

(B) improvements necessary to ensure that existing facilities meet requirements and remain operational for the lifespan of such fleet mix, including necessary improvements to information technology infrastructure;

(C) a timeline for the construction and improvement of the facilities described in subparagraphs (A) and (B); and

(D) a cost estimate for construction and life-cycle support of such facilities, including for necessary personnel.

(2) REPORT.—Not later than 1 year after the date on which the report under subsection (a)(2) is submitted, the Commandant shall submit to Congress a report on the plan required by paragraph (1).

SEC. 5203. ACQUISITION LIFE-CYCLE COST ESTIMATES.

Section 1132(e) of title 14, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) TYPES OF ESTIMATES.—For each Level 1 or Level 2 acquisition project or program, in addition to life-cycle cost estimates developed under paragraph (1), the Commandant shall require—

''(A) such life-cycle cost estimates to be updated before—

''(i) each milestone decision is concluded; and

''(ii) the project or program enters a new acquisition phase; and

''(B) an independent cost estimate or independent cost assessment, as appropriate, to be developed to validate such life-cycle cost estimates.''.

SEC. 5204. REPORT AND BRIEFING ON RESOURCING STRATEGY FOR WESTERN PACIFIC REGION.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Coast Guard Commander of the Pacific Area, the Commander of United States Indo-Pacific Command, and the Under Secretary of Commerce for Oceans and Atmosphere, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report outlining the Coast Guard's resourcing needs to achieve optimum operations in the Western Pacific region.

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

(A) An assessment of the risks and associated needs—

(i) to United States strategic maritime interests, in particular such interests in areas west of the International Date Line, including risks to bilateral maritime partners of the United States, posed by not fully staffing and equipping Coast Guard operations in the Western Pacific region;

(ii) to the Coast Guard mission and force posed by not fully staffing and equipping Coast Guard operations in the Western Pacific region; and

(iii) to support the call of the President, as set forth in the Indo-Pacific Strategy, to expand Coast Guard presence and cooperation in Southeast Asia, South Asia, and the Pacific Islands, with a focus on advising, training, deployment, and capacity building.

(B) A description of the additional resources, including shoreside resources, required to fully implement the needs described in subparagraph (A), including the United States commitment to bilateral fisheries law enforcement in the Pacific Ocean.

(C) A description of the operational and personnel assets required and a dispersal plan for available and projected future Coast Guard cutters and aviation forces to conduct optimum operations in the Western Pacific region.

(D) An analysis with respect to whether a national security cutter or fast response cutter located at a United States military installation in a foreign country in the Western Pacific region would enhance United States national security, partner country capacity building, and prevention and effective response to illegal, unreported, and unregulated fishing.

(E) An assessment of the benefits and associated costs involved in—

(i) increasing staffing of Coast Guard personnel within the command elements of United States Indo-Pacific Command or subordinate commands; and

(ii) designating a Coast Guard patrol force under the direct authority of the Commander of the United States Indo-Pacific Command with associated forward-based assets and personnel.

(F) An identification of any additional authority necessary, including proposals for legislative change, to meet the needs identified in accordance with subparagraphs (A) through (E) and any other mission requirement in the Western Pacific region.

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

(b) BRIEFING.—Not later than 60 days after the date on which the Commandant submits the report under subsection (a), the Commandant, or a designated individual, shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the findings and conclusions of such report.

SEC. 5205. STUDY AND REPORT ON NATIONAL SECURITY AND DRUG TRAFFICKING THREATS IN THE FLORIDA STRAITS AND CARIBBEAN REGION, INCLUDING CUBA.

(a) IN GENERAL.—The Commandant shall conduct a study on national security, drug trafficking, and other relevant threats as the Commandant considers appropriate, in the Florida Straits and Caribbean region, including Cuba.

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

(1) An assessment of—

(A) new technology and evasive maneuvers used by transnational criminal organizations to evade detection and interdiction by Coast Guard law enforcement units and interagency partners; and

(B) capability gaps of the Coast Guard with respect to—

(i) the detection and interdiction of illicit drugs in the Florida Straits and Caribbean region, including Cuba; and

(ii) the detection of national security threats in such region.

(2) An identification of—

(A) the critical technological advancements required for the Coast Guard to meet current and anticipated threats in such region;

(B) the capabilities required to enhance information sharing and coordination between the Coast Guard and interagency partners, foreign governments, and related civilian entities; and

(C) any significant new or developing threat to the United States posed by illicit actors in such region.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (a).

SEC. 5206. COAST GUARD YARD.

(a) IN GENERAL.—With respect to the Coast Guard Yard, the purposes of the authorization under section 5103(b) are—

(1) to improve resilience and capacity;

(2) to maintain and expand Coast Guard organic manufacturing capacity;

(3) to expand training and recruitment;

(4) to enhance safety;

(5) to improve environmental compliance; and

(6) to ensure that the Coast Guard Yard is prepared to meet the growing needs of the modern Coast Guard fleet.

(b) INCLUSIONS.—The Secretary of the department in which the Coast Guard is operating shall ensure that the Coast Guard Yard receives improvements that include the following:

(1) Facilities upgrades needed to improve resilience of the shipyard, its facilities, and associated infrastructure.

(2) Acquisition of a large-capacity drydock.

(3) Improvements to piers and wharves, drydocks, and capital equipment utilities.

(4) Environmental remediation.

(5) Construction of a new warehouse and paint facility.

(6) Acquisition of a new travel lift.

(7) Dredging necessary to facilitate access to the Coast Guard Yard.

(c) WORKFORCE DEVELOPMENT PLAN.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a workforce development plan that—

(1) outlines the workforce needs of the Coast Guard Yard with respect to civilian employees and active duty members of the Coast Guard, including engineers, individuals engaged in trades, cyber specialists, and other personnel necessary to meet the evolving mission set of the Coast Guard Yard; and

(2) includes recommendations for Congress with respect to the authorities, training, funding, and civilian and active-duty recruitment, including the recruitment of women and underrepresented minorities, necessary to meet workforce needs of the Coast Guard Yard for the 10-year period beginning on the date of submission of the plan.

SEC. 5207. AUTHORITY TO ENTER INTO TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS TO PROCURE COST-EFFECTIVE TECHNOLOGY FOR MISSION NEEDS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"§ 1158. Authority to enter into transactions other than contracts and grants to procure cost-effective, advanced technology for mission-critical needs

''(a) IN GENERAL.—Subject to subsections (b) and (c), the Commandant may enter into transactions (other than contracts, cooperative agreements, and grants) to develop prototypes for, and to operate and procure, cost-effective technology for the purpose of meeting the mission needs of the Coast Guard.

''(b) PROCUREMENT AND ACQUISITION.—Procurement or acquisition of technologies under subsection (a) shall be—

''(1) carried out in accordance with this title and Coast Guard policies and guidance; and

''(2) consistent with the operational requirements of the Coast Guard.

''(c) LIMITATIONS.—

''(1) IN GENERAL.—The Commandant may not enter into a transaction under subsection (a) with respect to a technology that—

''(A) does not comply with the cybersecurity standards of the Coast Guard; or

''(B) is sourced from an entity domiciled in the People's Republic of China, unless the Commandant determines that the prototype, operation, or procurement of such a technology is for the purpose of—

''(i) counter-UAS operations, surrogate testing, or training; or

''(ii) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training.

''(2) WAIVER.—The Commandant may waive the application under paragraph (1) on a case-by-case basis by certifying in writing to the Secretary of Homeland Security and the appropriate committees of Congress that the prototype, operation, or procurement of the applicable technology is in the national interests of the United States.

''(d) EDUCATION AND TRAINING.—The Commandant shall ensure that management, technical, and contracting personnel of the Coast Guard involved in the award or administration of transactions under this section, or other innovative forms of contracting, are provided opportunities for adequate education and training with respect to the authority under this section.

''(e) REPORT.—

''(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this section, the Commandant shall submit to the appropriate committees of Congress a report that—

''(A) describes the use of the authority pursuant to this section; and

''(B) assesses the mission and operational benefits of such authority.

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

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

''(B) the Committee on Transportation and Infrastructure of the House of Representatives.

''(f) REGULATIONS.—The Commandant shall prescribe regulations as necessary to carry out this section.

''(g) DEFINITIONS OF UNMANNED AIRCRAFT, UNMANNED AIRCRAFT SYSTEM, AND COUNTER-UAS.—In this section, the terms 'unmanned aircraft', 'unmanned aircraft system', and 'counter-UAS' have the meanings given such terms in section 44801 of title 49, United States Code.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter III of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

''1158. Authority to enter into transactions other than contracts and grants to procure cost-effective technology for mission needs.''.

SEC. 5208. IMPROVEMENTS TO INFRASTRUCTURE AND OPERATIONS PLANNING.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall incorporate the most recent oceanic and atmospheric data relating to the increasing rates of extreme weather, including flooding, into planning scenarios for Coast Guard infrastructure and mission deployments with respect to all Coast Guard Missions.

(b) COORDINATION WITH NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—In carrying out subsection (a), the Commandant shall—

(1) coordinate with the Under Secretary of Commerce for Oceans and Atmosphere to ensure the incorporation of the most recent environmental and climatic data; and

(2) request technical assistance and advice from the Under Secretary in planning scenarios, as appropriate.

(c) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the manner in which the best-available science from the National Oceanic and Atmospheric Administration has been incorporated into at least 1 key mission area of the Coast Guard, and the lessons learned from so doing.

SEC. 5209. AQUA ALERT NOTIFICATION SYSTEM PILOT PROGRAM.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall, subject to the availability of appropriations, establish a pilot program to improve the issuance of alerts to facilitate cooperation with the public to render aid to distressed individuals under section 521 of title 14, United States Code.

(b) PILOT PROGRAM CONTENTS.—The pilot program established under subsection (a) shall, to the maximum extent possible—

(1) include a voluntary opt-in program under which members of the public, as appropriate, and the entities described in subsection (c), may receive notifications on cellular devices regarding Coast Guard activities to render aid to distressed individuals under section 521 of title 14, United States Code;

(2) cover areas located within the area of responsibility of 3 different Coast Guard sectors in diverse geographic regions; and

(3) provide that the dissemination of an alert shall be limited to the geographic areas most likely to facilitate the rendering of aid to distressed individuals.

(c) CONSULTATION.—In developing the pilot program under subsection (a), the Commandant shall consult—

(1) the head of any relevant Federal agency;

(2) the government of any relevant State;

(3) any Tribal Government;

(4) the government of any relevant territory or possession of the United States; and

(5) any relevant political subdivision of an entity described in paragraph (2), (3), or (4).

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter through 2026, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section.

(2) PUBLIC AVAILABILITY.—The Commandant shall make the report submitted under paragraph (1) available to the public.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commandant to carry out this section $3,000,000 for each of fiscal years 2023 through 2026, to remain available until expended.

Subtitle B—Great Lakes

SEC. 5211. GREAT LAKES WINTER COMMERCE.

(a) IN GENERAL.—Subchapter IV of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§ 564. Great Lakes icebreaking operations

''(a) GAO REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Coast Guard Great Lakes icebreaking program.

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

''(A) An evaluation of the economic impact of vessel delays or cancellations associated with ice coverage on the Great Lakes.

''(B) An evaluation of mission needs of the Coast Guard Great Lakes icebreaking program.

''(C) An evaluation of the impact that the proposed standards described in subsection (b) would have on—

''(i) Coast Guard operations in the Great Lakes;

''(ii) Northeast icebreaking missions; and

''(iii) inland waterway operations.

''(D) A fleet mix analysis for meeting such proposed standards.

''(E) A description of the resources necessary to support the fleet mix resulting from such fleet mix analysis, including for crew and operating costs.

''(F) Recommendations to the Commandant for improvements to the Great Lakes icebreaking program, including with respect to facilitating commerce and meeting all Coast Guard mission needs.

''(b) PROPOSED STANDARDS FOR ICEBREAKING OPERATIONS.—The proposed standards described in this subsection are the following:

''(1) Except as provided in paragraph (2), the Commandant shall keep ice-covered waterways in the Great Lakes open to navigation during not less than 90 percent of the hours that commercial vessels and ferries attempt to transit such ice-covered waterways.

''(2) In a year in which the Great Lakes are not open to navigation because of ice of a thickness that occurs on average only once every 10 years, the Commandant shall keep ice-covered waterways in the Great Lakes open to navigation during not less than 70 percent of the hours that commercial vessels and ferries attempt to transit such ice-covered waterways.

''(c) REPORT BY COMMANDANT.—Not later than 90 days after the date on which the Comptroller General submits the report under subsection (a), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes the following:

''(1) A plan for Coast Guard implementation of any recommendation made by the Comptroller General under subparagraph (F) of subsection (a)(2) the Commandant considers appropriate.

''(2) With respect to any recommendation made under such subparagraph that the Commandant declines to implement, a justification for such decision.

''(3) A review of, and a proposed implementation plan for, the results of the fleet mix analysis under subparagraph (D) of that subsection.

''(4) Any proposed modifications to the standards for icebreaking operations in the Great Lakes.

''(d) DEFINITIONS.—In this section:

''(1) COMMERCIAL VESSEL.—The term 'commercial vessel' means any privately owned cargo vessel operating in the Great Lakes during the winter season of at least 500 tons, as measured under section 14502 of title 46, or an alternate tonnage measured under section 14302 of such title, as prescribed by the Secretary under section 14104 of such title.

''(2) GREAT LAKES.—The term 'Great Lakes' means the United States waters of Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario, their connecting waterways, and their adjacent harbors.

''(3) ICE-COVERED WATERWAY.—The term 'ice-covered waterway' means any portion of the Great Lakes in which commercial vessels or ferries operate that is 70 percent or greater covered by ice, but does not include any waters adjacent to piers or docks for which commercial icebreaking services are available and adequate for the ice conditions.

''(4) OPEN TO NAVIGATION.—The term 'open to navigation' means navigable to the extent necessary, in no particular order of priority—

''(A) to extricate vessels and individuals from danger;

''(B) to prevent damage due to flooding;

''(C) to meet the reasonable demands of commerce;

''(D) to minimize delays to passenger ferries; and

''(E) to conduct other Coast Guard missions as required.

''(5) REASONABLE DEMANDS OF COMMERCE.—The term 'reasonable demands of commerce' means the safe movement of commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, regardless of type of cargo, at a speed consistent with the design capability of Coast Guard icebreakers operating in the Great Lakes and appropriate to the ice capability of the commercial vessel.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''564. Great Lakes icebreaking operations.''.

SEC. 5212. DATABASE ON ICEBREAKING OPERATIONS IN THE GREAT LAKES.

(a) IN GENERAL.—The Commandant shall establish and maintain a database for collecting, archiving, and disseminating data on icebreaking operations and commercial vessel and ferry transit in the Great Lakes during ice season.

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

(1) Attempts by commercial vessels and ferries to transit ice-covered waterways in the Great Lakes that are unsuccessful because of inadequate icebreaking.

(2) The period of time that each commercial vessel or ferry was unsuccessful at so transiting due to inadequate icebreaking.

(3) The amount of time elapsed before each such commercial vessel or ferry was successfully broken out of the ice and whether it was accomplished by the Coast Guard or by commercial icebreaking assets.

(4) Relevant communications of each such commercial vessel or ferry with the Coast Guard and with commercial icebreaking services during such period.

(5) A description of any mitigating circumstance, such as Coast Guard icebreaker diversions to higher priority missions, that may have contributed to the amount of time described in paragraph (3).

(c) VOLUNTARY REPORTING.—Any reporting by operators of commercial vessels or ferries under this section shall be voluntary.

(d) PUBLIC AVAILABILITY.—The Commandant shall make the database available to the public on a publicly accessible internet website of the Coast Guard.

(e) CONSULTATION WITH INDUSTRY.—With respect to the Great Lakes icebreaking operations of the Coast Guard and the development of the database required under subsection (a), the Commandant shall consult operators of commercial vessels and ferries.

(f) DEFINITIONS.—In this section:

(1) COMMERCIAL VESSEL.—The term ''commercial vessel'' means any privately owned cargo vessel operating in the Great Lakes during the winter season of at least 500 tons, as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of such title, as prescribed by the Secretary of the department in which the Coast Guard is operating under section 14104 of such title.

(2) GREAT LAKES.—The term ''Great Lakes'' means the United States waters of Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario, their connecting waterways, and their adjacent harbors.

(3) ICE-COVERED WATERWAY.—The term ''ice-covered waterway'' means any portion of the Great Lakes in which commercial vessels or ferries operate that is 70 percent or greater covered by ice, but does not include any waters adjacent to piers or docks for which commercial icebreaking services are available and adequate for the ice conditions.

(4) OPEN TO NAVIGATION.—The term ''open to navigation'' means navigable to the extent necessary, in no particular order of priority—

(A) to extricate vessels and individuals from danger;

(B) to prevent damage due to flooding;

(C) to meet the reasonable demands of commerce;

(D) to minimize delays to passenger ferries; and

(E) to conduct other Coast Guard missions as required.

(5) REASONABLE DEMANDS OF COMMERCE.—The term ''reasonable demands of commerce'' means the safe movement of commercial vessels and ferries transiting ice-covered waterways in the Great Lakes, regardless of type of cargo, at a speed consistent with the design capability of Coast Guard icebreakers operating in the Great Lakes and appropriate to the ice capability of the commercial vessel.

(g) PUBLIC REPORT.—Not later than July 1 after the first winter in which the Commandant is subject to the requirements of section 564 of title 14, United States Code, the Commandant shall publish on a publicly accessible internet website of the Coast Guard a report on the cost to the Coast Guard of meeting the requirements of that section.

SEC. 5213. GREAT LAKES SNOWMOBILE ACQUISITION PLAN.

(a) IN GENERAL.—The Commandant shall develop a plan to expand snowmobile procurement for Coast Guard units at which snowmobiles may improve ice rescue response times while maintaining the safety of Coast Guard personnel engaged in search and rescue. The plan must include consideration of input from Officers in Charge, Commanding Officers, and Commanders of impacted units.

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

(1) a consideration of input from officers in charge, commanding officers, and commanders of affected Coast Guard units;

(2) a detailed description of the estimated costs of procuring, maintaining, and training members of the Coast Guard at affected units to use snowmobiles; and

(3) an assessment of—

(A) the degree to which snowmobiles may improve ice rescue response times while maintaining the safety of Coast Guard personnel engaged in search and rescue;

(B) the operational capabilities of a snowmobile, as compared to an airboat, and a force laydown assessment with respect to the assets needed for effective operations at Coast Guard units conducting ice rescue activities; and

(C) the potential risks to members of the Coast Guard and members of the public posed by the use of snowmobiles by members of the Coast Guard for ice rescue activities.

(c) PUBLIC AVAILABILITY.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall finalize the plan required by subsection (a) and make the plan available on a publicly accessible internet website of the Coast Guard.

SEC. 5214. GREAT LAKES BARGE INSPECTION EXEMPTION.

Section 3302(m) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ''or a Great Lakes barge'' after ''seagoing barge''; and

(2) by striking ''section 3301(6) of this title'' and inserting ''paragraph (6) or (13) of section 3301 of this title''.

SEC. 5215. STUDY ON SUFFICIENCY OF COAST GUARD AVIATION ASSETS TO MEET MISSION DEMANDS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the force laydown of Coast Guard aviation assets; and

(2) any geographic gaps in coverage by Coast Guard assets in areas in which the Coast Guard has search and rescue responsibilities.

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

(1) The distance, time, and weather challenges that MH–65 and MH–60 units may face in reaching the outermost limits of the area of operation of Coast Guard District 9 and Coast Guard District 8 for which such units are responsible.

(2) An assessment of the advantages that Coast Guard fixed-wing assets, or an alternate rotary wing asset, would offer to the outermost limits of any area of operation for purposes of search and rescue, law enforcement, ice operations, and logistical missions.

(3) A comparison of advantages and disadvantages of the manner in which each of the Coast Guard fixed-wing aircraft would operate in the outermost limits of any area of operation.

(4) A specific assessment of the coverage gaps, including gaps in fixed-wing coverage, and potential solutions to address such gaps in the area of operation of Coast Guard District 9 and Coast Guard District 8, including the eastern region of such area of operation with regard to Coast Guard District 9 and the southern region of such area of operation with regard to Coast Guard District 8.

Subtitle C—Arctic

SEC. 5221. ESTABLISHMENT OF THE ARCTIC SECURITY CUTTER PROGRAM OFFICE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall establish a program office for the acquisition of the Arctic Security Cutter to expedite the evaluation of requirements and initiate design of a vessel

class critical to the national security of the United States.

(b) DESIGN PHASE.—Not later than 270 days after the date of the enactment of this Act, the Commandant shall initiate the design phase of the Arctic Security Cutter vessel class.

(c) QUARTERLY BRIEFINGS.—Not less frequently than quarterly until the date on which the contract for acquisition of the Arctic Security Cutter is awarded, the Commandant shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the status of requirements evaluations, design of the vessel, and schedule of the program.

SEC. 5222. ARCTIC ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) ARCTIC.—The term ''Arctic'' has the meaning given such term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(b) ARCTIC OPERATIONAL IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the appropriate committees of Congress that describes the ability and timeline to conduct a transit of the Northern Sea Route and periodic transits of the Northwest Passage.

SEC. 5223. STUDY ON ARCTIC OPERATIONS AND INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on the Arctic operations and infrastructure of the Coast Guard.

(b) ELEMENTS.—The study required under subsection (a) shall assess the following:

(1) The extent of the collaboration between the Coast Guard and the Department of Defense to assess, manage, and mitigate security risks in the Arctic region.

(2) Actions taken by the Coast Guard to manage risks to Coast Guard operations, infrastructure, and workforce planning in the Arctic.

(3) The plans the Coast Guard has in place for managing and mitigating the risks to commercial maritime operations and the environment in the Arctic region.

(c) REPORT.—Not later than 1 year after commencing the study required under subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

Subtitle D—Maritime Cyber and Artificial Intelligence

SEC. 5231. ENHANCING MARITIME CYBERSECURITY.

(a) DEFINITIONS.—In this section:

(1) CYBER INCIDENT.—The term ''cyber incident''—

(A) means an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon; and

(B) includes a vulnerability in an information system, system security procedures, internal controls, or implementation that could be exploited by a threat source.

(2) MARITIME OPERATORS.—The term ''maritime operators'' means the owners or operators of vessels engaged in commercial service, the owners or operators of port facilities, and port authorities.

(3) SIGNIFICANT CYBER INCIDENT.—The term ''significant cyber incident'' means a cyber incident that the Secretary of Homeland Security determines is (or group of related cyber incidents that together are) likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to public confidence, civil liberties, or public health and safety of the people of the United States.

(4) PORT FACILITIES.—The term ''port facilities'' has the meaning given the term ''facility'' in section 70101 of title 46.

(b) PUBLIC AVAILABILITY OF CYBERSECURITY TOOLS AND RESOURCES.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant, in coordination with the Administrator of the Maritime Administration, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the National Institute of Standards and Technology, shall identify and make available to the public a list of tools and resources, including the resources of the Coast Guard and the Cybersecurity and Infrastructure Security Agency, designed to assist maritime operators in identifying, detecting, protecting against, responding to, and recovering from significant cyber incidents.

(2) IDENTIFICATION.—In carrying out paragraph (1), the Commandant, the Administrator of the Maritime Administration, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the National Institute of Standards and Technology shall identify tools and resources that—

(A) comply with the cybersecurity framework for improving critical infrastructure established by the National Institute of Standards and Technology; or

(B) use the guidelines on maritime cyber risk management issued by the International Maritime Organization on July 5, 2017 (or successor guidelines).

(3) CONSULTATION.—

(A) IN GENERAL.—The Commandant, the Administrator of the Maritime Administration, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of the National Institute of Standards and Technology may consult with maritime operators, other Federal agencies, industry stakeholders, and cybersecurity experts to identify tools and resources for purposes of this section.

(B) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the consultation described in subparagraph (A) or to any other action in support of the implementation of this section.

SEC. 5232. ESTABLISHMENT OF UNMANNED SYSTEM PROGRAM AND AUTONOMOUS CONTROL AND COMPUTER VISION TECHNOLOGY PROJECT.

(a) IN GENERAL.—Section 319 of title 14, United States Code, is amended to read as follows:

''§ 319. Unmanned system program and autonomous control and computer vision technology project

''(a) UNMANNED SYSTEM PROGRAM.—The Secretary shall establish, under the control of the Commandant, an unmanned system program for the use by the Coast Guard of land-based, cutter-based, and aircraft-based unmanned systems for the purpose of increasing effectiveness and efficiency of mission execution.

''(b) AUTONOMOUS CONTROL AND COMPUTER VISION TECHNOLOGY PROJECT.—

''(1) IN GENERAL.—The Commandant shall conduct a project to retrofit 2 or more existing Coast Guard small boats deployed at operational units with—

''(A) commercially available autonomous control and computer vision technology; and

''(B) such sensors and methods of communication as are necessary to control, and technology to assist in conducting, search and rescue, surveillance, and interdiction missions.

''(2) DATA COLLECTION.—As part of the project required by paragraph (1), the Commandant shall collect and evaluate field-collected operational data from the retrofit described in that paragraph so as to inform future requirements.

''(3) BRIEFING.—Not later than 180 days after the date on which the project required under paragraph (1) is completed, the Commandant shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the project that includes an evaluation of the data collected from the project.

''(c) UNMANNED SYSTEM DEFINED.—In this section, the term 'unmanned system' means—

''(1) an unmanned aircraft system (as defined in section 44801 of title 49, United States Code);

''(2) an unmanned marine surface system; and

''(3) an unmanned marine subsurface system.

''(d) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to Congress an estimate of the costs associated with implementing the amendments made by this section.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 14, United States Code, is amended by striking the item relating to section 319 and inserting the following:

''319. Unmanned system program and autonomous control and computer vision technology project.''.

SEC. 5233. ARTIFICIAL INTELLIGENCE STRATEGY.

(a) ESTABLISHMENT OF ACTIVITIES.—

(1) IN GENERAL.—The Commandant shall establish a set of activities to coordinate the efforts of the Coast Guard to develop and mature artificial intelligence technologies and transition such technologies into operational use where appropriate.

(2) EMPHASIS.—The set of activities established under paragraph (1) shall—

(A) apply artificial intelligence and machine-learning solutions to operational and mission-support problems; and

(B) coordinate activities involving artificial intelligence and artificial intelligence-enabled capabilities within the Coast Guard.

(b) DESIGNATED OFFICIAL.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall designate a senior official of the Coast Guard (referred to in this section as the ''designated official'') with the principal responsibility for the coordination of activities relating to the development and demonstration of artificial intelligence and machine learning for the Coast Guard.

(2) DUTIES.—

(A) STRATEGIC PLAN.—

(i) IN GENERAL.—The designated official shall develop a detailed strategic plan to develop, mature, adopt, and transition artificial intelligence technologies into operational use where appropriate.

(ii) ELEMENTS.—The plan required by clause (i) shall include the following:

(I) A strategic roadmap for the identification and coordination of the development and fielding of artificial intelligence technologies and key enabling capabilities.

(II) The continuous evaluation and adaptation of relevant artificial intelligence capabilities developed by the Coast Guard and by other organizations for military missions and business operations.

(iii) COORDINATION.—In developing the plan required by clause (i), the designated official shall coordinate and engage with the Secretary of Defense and the Chief Digital and Artificial Intelligence Office.

(iv) SUBMISSION TO COMMANDANT.—Not later than 2 years after the date of the enactment of this Act, the designated official shall submit to the Commandant the plan developed under clause (i).

(B) GOVERNANCE AND OVERSIGHT OF ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING POLICY.—The designated official shall regularly convene appropriate officials of the Coast Guard—

(i) to integrate the functional activities of the Coast Guard with respect to artificial intelligence and machine learning;

(ii) to ensure that there are efficient and effective artificial intelligence and machine-learning capabilities throughout the Coast Guard; and

(iii) to develop and continuously improve research, innovation, policy, joint processes, and procedures to facilitate the development, acquisition, integration, advancement, oversight, and sustainment of artificial intelligence and machine learning throughout the Coast Guard.

(c) ACCELERATION OF DEVELOPMENT AND FIELDING OF ARTIFICIAL INTELLIGENCE.—To the extent practicable, the Commandant, in conjunction with the Secretary of Defense and the Chief Digital and Artificial Intelligence Office, shall—

(1) use the flexibility of regulations, personnel, acquisition, partnerships with industry and academia, or other relevant policies of the Coast Guard to accelerate the development and fielding of artificial intelligence capabilities;

(2) ensure engagement with defense and private industries, research universities, and unaffiliated, nonprofit research institutions;

(3) provide technical advice and support to entities in the Coast Guard to optimize the use of artificial intelligence and machine-learning technologies to meet Coast Guard missions;

(4) support the development of requirements for artificial intelligence capabilities that address the highest priority capability gaps of the Coast Guard and technical feasibility;

(5) develop and support capabilities for technical analysis and assessment of threat capabilities based on artificial intelligence;

(6) identify the workforce and capabilities needed to support the artificial intelligence capabilities and requirements of the Coast Guard;

(7) develop classification guidance for all artificial intelligence-related activities of the Coast Guard;

(8) work with appropriate officials to develop appropriate ethical, legal, and other policies for the Coast Guard governing the development and use of artificial intelligence-enabled systems and technologies in operational situations; and

(9) ensure—

(A) that artificial intelligence programs of the Coast Guard are consistent with this section; and

(B) appropriate coordination of artificial intelligence activities of the Coast Guard with interagency, industry, and international efforts relating to artificial intelligence, including relevant participation in standards-setting bodies.

(d) INTERIM STRATEGIC PLAN.—

(1) IN GENERAL.—The Commandant shall develop a strategic plan to develop, mature, adopt, and transition artificial intelligence technologies into operational use where appropriate, that is informed by the plan developed by the designated official under subsection (b)(2)(A).

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

(A) Each element described in clause (ii) of subsection (b)(2)(A).

(B) A consideration of the identification, adoption, and procurement of artificial intelligence technologies for use in operational and mission support activities.

(3) COORDINATION.—In developing the plan required by paragraph (1), the Commandant shall coordinate and engage with the Secretary of Defense, the Chief Digital and Artificial Intelligence Office, defense and private industries, research universities, and unaffiliated, nonprofit research institutions.

(4) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the plan developed under paragraph (1).

SEC. 5234. REVIEW OF ARTIFICIAL INTELLIGENCE APPLICATIONS AND ESTABLISHMENT OF PERFORMANCE METRICS.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall—

(1) review the potential applications of artificial intelligence and digital technology to the platforms, processes, and operations of the Coast Guard;

(2) identify the resources necessary to improve the use of artificial intelligence and digital technology in such platforms, processes, and operations; and

(3) establish performance objectives and accompanying metrics for the incorporation of artificial intelligence and digital readiness into such platforms, processes, and operations.

(b) PERFORMANCE OBJECTIVES AND ACCOMPANYING METRICS.—

(1) SKILL GAPS.—In carrying out subsection (a), the Commandant shall—

(A) conduct a comprehensive review and assessment of—

(i) skill gaps in the fields of software development, software engineering, data science, and artificial intelligence;

(ii) the qualifications of civilian personnel needed for both management and specialist tracks in such fields; and

(iii) the qualifications of military personnel (officer and enlisted) needed for both management and specialist tracks in such fields; and

(B) establish recruiting, training, and talent management performance objectives and accompanying metrics for achieving and maintaining staffing levels needed to fill identified gaps and meet the needs of the Coast Guard for skilled personnel.

(2) AI MODERNIZATION ACTIVITIES.—In carrying out subsection (a), the Commandant, with support from the Director of the Joint Artificial Intelligence Center, shall—

(A) assess investment by the Coast Guard in artificial intelligence innovation, science and technology, and research and development;

(B) assess investment by the Coast Guard in test and evaluation of artificial intelligence capabilities;

(C) assess the integration of, and the resources necessary to better use artificial intelligence in wargames, exercises, and experimentation;

(D) assess the application of, and the resources necessary to better use, artificial intelligence in logistics and sustainment systems;

(E) assess the integration of, and the resources necessary to better use, artificial intelligence for administrative functions;

(F) establish performance objectives and accompanying metrics for artificial intelligence modernization activities of the Coast Guard; and

(G) identify the resources necessary to effectively use artificial intelligence to carry out the missions of the Coast Guard.

(c) REPORT TO CONGRESS.—Not later than 180 days after the completion of the review required by subsection (a)(1), the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report on—

(1) the findings of the Commandant with respect to such review and any action taken or proposed to be taken by the Commandant, and the resources necessary to address such findings;

(2) the performance objectives and accompanying metrics established under subsections (a)(3) and (b)(1)(B); and

(3) any recommendation with respect to proposals for legislative change necessary to successfully implement artificial intelligence applications within the Coast Guard.

SEC. 5235. CYBER DATA MANAGEMENT.

(a) IN GENERAL.—The Commandant, in coordination with the Commander of United States Cyber Command, and the Director of the Cybersecurity and Infrastructure Security Agency, shall—

(1) develop policies, processes, and operating procedures governing—

(A) access to and the ingestion, structure, storage, and analysis of information and data relevant to the Coast Guard Cyber Mission, including—

(i) intelligence data relevant to Coast Guard missions;

(ii) internet traffic, topology, and activity data relevant to such missions; and

(iii) cyber threat information relevant to such missions; and

(B) data management and analytic platforms relating to such missions; and

(2) evaluate data management platforms referred to in paragraph (1)(B) to ensure that such platforms operate consistently with the Coast Guard Data Strategy.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) an assessment of the progress on the activities required by subsection (a); and

(2) any recommendation with respect to funding or additional authorities necessary, including proposals for legislative change, to improve Coast Guard cyber data management.

SEC. 5236. DATA MANAGEMENT.

The Commandant shall develop data workflows and processes for the leveraging of mission-relevant data by the Coast Guard to enhance operational effectiveness and efficiency.

SEC. 5237. STUDY ON CYBER THREATS TO THE UNITED STATES MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act,

the Comptroller General of the United States shall commence a study on cyber threats to the United States marine transportation system.

(b) ELEMENTS.—The study required by paragraph (1) shall assess the following:

(1) The extent to which the Coast Guard, in collaboration with other Federal agencies, sets standards for the cybersecurity of facilities and vessels regulated under parts 104, 105, or 106 of title 33 of the Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(2) The manner in which the Coast Guard ensures cybersecurity standards are followed by port, vessel, and facility owners and operators.

(3) The extent to which maritime sector-specific planning addresses cybersecurity, particularly for vessels and offshore platforms.

(4) The manner in which the Coast Guard, other Federal agencies, and vessel and offshore platform operators exchange information regarding cyber risks.

(5) The extent to which the Coast Guard is developing and deploying cybersecurity specialists in port and vessel systems and collaborating with the private sector to increase the expertise of the Coast Guard with respect to cybersecurity.

(6) The cyber resource and workforce needs of the Coast Guard necessary to meet future mission demands.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit a report on the findings of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) DEFINITION OF FACILITY.—In this section the term ''facility'' has the meaning given the term in section 70101 of title 46, United States Code.

Subtitle E—Aviation

SEC. 5241. SPACE-AVAILABLE TRAVEL ON COAST GUARD AIRCRAFT: PROGRAM AUTHORIZATION AND ELIGIBLE RECIPIENTS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''§ 509. Space-available travel on Coast Guard aircraft

''(a)(1) The Coast Guard may establish a program to provide transportation on Coast Guard aircraft on a space-available basis to the categories of eligible individuals described in subsection (c) (in this section referred to as the 'program').

''(2) Not later than 1 year after the date on which the program is established, the Commandant shall develop a policy for its operation.

''(b)(1) The Commandant shall operate the program in a budget-neutral manner.

''(2)(A) Except as provided in subparagraph (B), no additional funds may be used, or flight hours performed, for the purpose of providing transportation under the program.

''(B) The Commandant may make de minimis expenditures of resources required for the administrative aspects of the program.

''(3) Eligible individuals described in subsection (c) shall not be required to reimburse the Coast Guard for travel provided under this section.

''(c) Subject to subsection (d), the categories of eligible individuals described in this subsection are the following:

''(1) Members of the armed forces on active duty.

''(2) Members of the Selected Reserve who hold a valid Uniformed Services Identification and Privilege Card.

''(3) Retired members of a regular or reserve component of the armed forces, including retired members of reserve components who, but for being under the eligibility age applicable under section 12731 of title 10, would be eligible for retired pay under chapter 1223 of title 10.

''(4) Subject to subsection (f), veterans with a permanent service-connected disability rated as total.

''(5) Such categories of dependents of individuals described in paragraphs (1) through (3) as the Commandant shall specify in the policy under subsection (a)(2), under such conditions and circumstances as the Commandant shall specify in such policy.

''(6) Such other categories of individuals as the Commandant, in the discretion of the Commandant, considers appropriate.

''(d) In operating the program, the Commandant shall—

''(1) in the sole discretion of the Commandant, establish an order of priority for transportation for categories of eligible individuals that is based on considerations of military necessity, humanitarian concerns, and enhancement of morale;

''(2) give priority in consideration of transportation to the demands of members of the armed forces in the regular components and in the reserve components on active duty and to the need to provide such members, and their dependents, a means of respite from such demands; and

''(3) implement policies aimed at ensuring cost control (as required by subsection (b)) and the safety, security, and efficient processing of travelers, including limiting the benefit under the program to 1 or more categories of otherwise eligible individuals, as the Commandant considers necessary.

''(e)(1) Notwithstanding subsection (d)(1), in establishing space-available transportation priorities under the program, the Commandant shall provide transportation for an individual described in paragraph (2), and a single dependent of the individual if needed to accompany the individual, at a priority level in the same category as the priority level for an unaccompanied dependent over the age of 18 years traveling on environmental and morale leave.

''(2) Subject to paragraph (3), paragraph (1) applies with respect to an individual described in subsection (c)(3) who—

''(A) resides in or is located in a Commonwealth or possession of the United States; and

''(B) is referred by a military or civilian primary care provider located in that Commonwealth or possession to a specialty care provider for services to be provided outside of that Commonwealth or possession.

''(3) If an individual described in subsection (c)(3) is a retired member of a reserve component who is ineligible for retired pay under chapter 1223 of title 10 by reason of being under the eligibility age applicable under section 12731 of title 10, paragraph (1) applies to the individual only if the individual is also enrolled in the TRICARE program for certain members of the Retired Reserve authorized under section 1076e of title 10.

''(4) The priority for space-available transportation required by this subsection applies with respect to—

''(A) the travel from the Commonwealth or possession of the United States to receive the specialty care services; and

''(B) the return travel.

''(5) In this subsection, the terms 'primary care provider' and 'specialty care provider' refer to a medical or dental professional who provides health care services under chapter 55 of title 10.

''(f)(1) Travel may not be provided under this section to a veteran eligible for travel pursuant to paragraph (4) of subsection (c) in priority over any member eligible for travel under paragraph (1) of that subsection or any dependent of such a member eligible for travel under this section.

''(2) Subsection (c)(4) may not be construed as—

''(A) affecting or in any way imposing on the Coast Guard, any armed force, or any commercial entity with which the Coast Guard or an armed force contracts, an obligation or expectation that the Coast Guard or such armed force will retrofit or alter, in any way, military aircraft or commercial aircraft, or related equipment or facilities, used or leased by the Coast Guard or such armed force to accommodate passengers provided travel under such authority on account of disability; or

''(B) preempting the authority of an aircraft commander to determine who boards the aircraft and any other matters in connection with safe operation of the aircraft.

''(g) The authority to provide transportation under the program is in addition to any other authority under law to provide transportation on Coast Guard aircraft on a space-available basis.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''509. Space-available travel on Coast Guard aircraft.''.

SEC. 5242. REPORT ON COAST GUARD AIR STATION BARBERS POINT HANGAR.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report on facilities requirements for constructing a hangar at Coast Guard Air Station Barbers Point at Oahu, Hawaii.

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

(1) A description of the $45,000,000 phase one design for the hangar at Coast Guard Air Station Barbers Point funded by the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1132).

(2) An evaluation of the full facilities requirements for such hangar to house, maintain, and operate the MH–65 and HC–130J, including—

(A) storage and provision of fuel; and

(B) maintenance and parts storage facilities.

(3) An evaluation of facilities growth requirements for possible future basing of the MH–60 with the C–130J at Coast Guard Air Station Barbers Point.

(4) A description of and cost estimate for each project phase for the construction of such hangar.

(5) A description of the plan for sheltering in the hangar during extreme weather events aircraft of the Coast Guard and partner agencies, such as the National Oceanic and Atmospheric Administration.

(6) A description of the risks posed to operations at Coast Guard Air Station Barbers Point if future project phases for the construction of such hangar are not funded.

SEC. 5243. STUDY ON THE OPERATIONAL AVAILABILITY OF COAST GUARD AIRCRAFT AND STRATEGY FOR COAST GUARD AVIATION.

(a) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on the operational availability of Coast Guard aircraft.

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

(A) An assessment of —

(i) the extent to which the fixed-wing and rotary-wing aircraft of the Coast Guard have met annual operational availability targets in recent years;

(ii) the challenges the Coast Guard may face with respect to such aircraft meeting operational availability targets, and the effects of such challenges on the Coast Guard's ability to meet mission requirements; and

(iii) the status of Coast Guard efforts to upgrade or recapitalize its fleet of such aircraft to meet growth in future mission demands globally, such as in the Western Hemisphere, the Arctic region, and the Western Pacific region.

(B) Any recommendation with respect to the operational availability of Coast Guard aircraft.

(C) The resource and workforce requirements necessary for Coast Guard Aviation to meet current and future mission demands specific to each rotary-wing and fixed-wing airframe type in the current inventory of the Coast Guard.

(3) REPORT.—On completion of the study required by paragraph (1), the Comptroller General shall submit to the Commandant a report on the findings of the study.

(b) COAST GUARD AVIATION STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date on which the study under subsection (a) is completed, the Commandant shall develop a comprehensive strategy for Coast Guard Aviation that is informed by the relevant recommendations and findings of the study.

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

(A) With respect to aircraft of the Coast Guard—

(i) an analysis of—

(I) the current and future operations and future resource needs; and

(II) the manner in which such future needs are integrated with the Future Vertical Lift initiatives of the Department of Defense; and

(ii) an estimated timeline with respect to when such future needs will arise.

(B) The projected number of aviation assets, the locations at which such assets are to be stationed, the cost of operation and maintenance of such assets, and an assessment of the capabilities of such assets as compared to the missions they are expected to execute, at the completion of major procurement and modernization plans.

(C) A procurement plan, including an estimated timetable and the estimated appropriations necessary for all platforms, including unmanned aircraft.

(D) A training plan for pilots and aircrew that addresses—

(i) the use of simulators owned and operated by the Coast Guard, and simulators that are not owned or operated by the Coast Guard, including any such simulators based outside the United States; and

(ii) the costs associated with attending training courses.

(E) Current and future requirements for cutter and land-based deployment of aviation assets globally, including in the Arctic, the Eastern Pacific, the Western Pacific, the Caribbean, the Atlantic Basin, and any other area the Commandant considers appropriate.

(F) A description of the feasibility of deploying, and the resource requirements necessary to deploy, rotary-winged assets onboard all future Arctic cutter patrols.

(G) An evaluation of current and future facilities needs for Coast Guard aviation units.

(H) An evaluation of pilot and aircrew training and retention needs, including aviation career incentive pay, retention bonuses, and any other workforce tools the Commandant considers necessary.

(3) BRIEFING.—Not later than 180 days after the date on which the strategy required by paragraph (1) is completed, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the strategy.

Subtitle F—Workforce Readiness

SEC. 5251. AUTHORIZED STRENGTH.

Section 3702 of title 14, United States Code, is amended by adding at the end the following:

''(c) The Secretary may vary the authorized end strength of the Selected Reserve of the Coast Guard Reserve for a fiscal year by a number equal to not more than 3 percent of such end strength upon a determination by the Secretary that such a variation is in the national interest.

''(d) The Commandant may increase the authorized end strength of the Selected Reserve of the Coast Guard Reserve by a number equal to not more than 2 percent of such authorized end strength upon a determination by the Commandant that such an increase would enhance manning and readiness in essential units or in critical specialties or ratings.''.

SEC. 5252. NUMBER AND DISTRIBUTION OF OFFICERS ON ACTIVE DUTY PROMOTION LIST.

(a) MAXIMUM NUMBER OF OFFICERS.—Section 2103(a) of title 14, United States Code, is amended to read as follows:

''(a) MAXIMUM TOTAL NUMBER.—

''(1) IN GENERAL.—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 7,400.

''(2) TEMPORARY INCREASE.—Notwithstanding paragraph (1), the Commandant may temporarily increase the total number of commissioned officers permitted under that paragraph by up to 4 percent for not more than 60 days after the date of the commissioning of a Coast Guard Academy class.

''(3) NOTIFICATION.—If the Commandant increases pursuant to paragraph (2) the total number of commissioned officers permitted under paragraph (1), the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the number of officers on the active duty promotion list on the last day of the preceding 30-day period—

''(A) not later than 30 days after such increase; and

''(B) every 30 days thereafter until the total number of commissioned officers no longer exceeds the total number of commissioned officers permitted under paragraph (1).''.

(b) OFFICERS NOT ON ACTIVE DUTY PROMOTION LIST.—

(1) IN GENERAL.—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

''§ 5113. Officers not on active duty promotion list

''Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1105(a) of title 31, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the number of Coast Guard officers who are serving at other Federal agencies on a reimbursable basis, and the number of Coast Guard officers who are serving at other Federal agencies on a non-reimbursable basis but are not on the active duty promotion list.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following:

''5113. Officers not on active duty promotion list.''.

SEC. 5253. CONTINUATION ON ACTIVE DUTY OF OFFICERS WITH CRITICAL SKILLS.

(a) IN GENERAL.—Subchapter II of chapter 21 of title 14, United States Code, is amended by adding at the end the following:

''§ 2166. Continuation on active duty of officers with critical skills

''(a) IN GENERAL.—The Commandant may authorize an officer in any grade above grade O–2 to remain on active duty after the date otherwise provided for the retirement of the officer in section 2154 of this title if the officer possesses a critical skill or specialty or is in a career field designated pursuant to subsection (b).

''(b) CRITICAL SKILL, SPECIALTY, OR CAREER FIELD.—The Commandant shall designate 1 or more critical skills, specialties, or career fields for purposes of subsection (a).

''(c) DURATION OF CONTINUATION.—An officer continued on active duty pursuant to this section shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 40 years of active service.

''(d) POLICY.—The Commandant shall carry out this section by prescribing policy that specifies the criteria to be used in designating any critical skill, specialty, or career field for purposes of subsection (b).''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 21 of title 14, United States Code, is amended by adding at the end the following:

''2166. Continuation on active duty of officers with critical skills.''.

SEC. 5254. CAREER INCENTIVE PAY FOR MARINE INSPECTORS.

(a) AUTHORITY TO PROVIDE ASSIGNMENT PAY OR SPECIAL DUTY PAY.—The Secretary of the department in which the Coast Guard is operating may provide assignment pay or special duty pay under section 352 of title 37, United States Code, to a member of the Coast Guard serving in a prevention position and assigned as a marine inspector or marine investigator pursuant to section 312 of title 14, United States Code.

(b) ANNUAL BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on any uses of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each briefing required by paragraph (1) shall include the following:

(A) The number of members of the Coast Guard serving as marine inspectors or marine investigators pursuant to section 312 of title 14, United States Code, who are receiving assignment pay or special duty pay under section 352 of title 37, United States Code.

(B) An assessment of the impact of the use of the authority under this section on the effectiveness and efficiency of the Coast Guard in administering the laws and regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States.

(C) An assessment of the effects of assignment pay and special duty pay on retention of marine inspectors and investigators.

(D) If the authority provided in subsection (a) is not exercised, a detailed justification

for not exercising such authority, including an explanation of the efforts the Secretary of the department in which the Coast Guard is operating is taking to ensure that the Coast Guard workforce contains an adequate number of qualified marine inspectors.

(c) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in coordination with the Director of the National Institute for Occupational Safety and Health, shall conduct a study on the health of marine inspectors and marine investigators who have served in such positions for a period of not less than least 10 years.

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

(A) An evaluation of—

(i) the daily vessel inspection duties of marine inspectors and marine investigators, including the examination of internal cargo tanks and voids and new construction activities;

(ii) major incidents to which marine inspectors and marine investigators have had to respond, and any other significant incident, such as a vessel casualty, that has resulted in the exposure of marine inspectors and marine investigators to hazardous chemicals or substances; and

(iii) the types of hazardous chemicals or substances to which marine inspectors and marine investigators have been exposed relative to the effects such chemicals or substances have had on marine inspectors and marine investigators.

(B) A review and analysis of the current Coast Guard health and safety monitoring systems, and recommendations for improving such systems, specifically with respect to the exposure of members of the Coast Guard to hazardous substances while carrying out inspections and investigation duties.

(C) Any other element the Secretary of the department in which the Coast Guard is operating considers appropriate.

(3) REPORT.—On completion of the study required by paragraph (1), the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study and recommendations for actions the Commandant should take to improve the health and exposure of marine inspectors and marine investigators.

(d) TERMINATION.—The authority provided by subsection (a) shall terminate on December 31, 2027, unless the study required by subsection (c) is completed and submitted as required by that subsection.

SEC. 5255. EXPANSION OF THE ABILITY FOR SELECTION BOARD TO RECOMMEND OFFICERS OF PARTICULAR MERIT FOR PROMOTION.

Section 2116(c)(1) of title 14, United States Code, is amended, in the second sentence, by inserting ''three times'' after ''may not exceed''.

SEC. 5256. PAY AND ALLOWANCES FOR CERTAIN MEMBERS OF THE COAST GUARD DURING FUNDING GAP.

(a) IN GENERAL.—During a funding gap, the Secretary of the Treasury shall make available to the Secretary of Homeland Security, out of any amounts in the general fund of the Treasury not otherwise appropriated, such amounts as the Secretary of Homeland Security determines to be necessary to continue to provide, without interruption, during the funding gap such sums as are necessary for—

(1) pay and allowances to members of the Coast Guard, including reserve components thereof, who perform active service;

(2) the payment of a death gratuity under sections 1475 through 1477 and 1489 of title 10, United States Code, with respect to members of the Coast Guard;

(3) the payment or reimbursement of authorized funeral travel and travel related to the dignified transfer of remains and unit memorial services under section 481f of title 37, United States Code, with respect to members of the Coast Guard; and

(4) the temporary continuation of a basic allowance for housing for dependents of members of the Coast Guard dying on active duty, as authorized by section 403(l) of title 37, United States Code.

(b) FUNDING GAP DEFINED.—In this section, the term ''funding gap'' means any period after the beginning of a fiscal year for which interim or full-year appropriations for the personnel accounts of the Coast Guard have not been enacted.

SEC. 5257. MODIFICATION TO EDUCATION LOAN REPAYMENT PROGRAM.

(a) IN GENERAL.—Section 2772 of title 14, United States Code, is amended to read as follows:

''§ 2772. Education loan repayment program: members on active duty in specified military specialties

''(a)(1) Subject to the provisions of this section, the Secretary may repay—

''(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.);

''(C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.); or

''(D) any loan incurred for educational purposes made by a lender that is—

''(i) an agency or instrumentality of a State;

''(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

''(iii) a pension fund approved by the Secretary for purposes of this section; or

''(iv) a nonprofit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.

''(2) Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

''(3) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as a member in an officer program or military specialty specified by the Secretary.

''(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.

''(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

''(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

''(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(3)) to service making the person eligible for repayment of loans under section 16301 of title 10 (as described in subsection (a)(2) or (g) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

''(f) The Secretary shall prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 16301 of title 10 during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 16301(a) of title 10.

''(g) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 16301 of title 10, a member of the Coast Guard who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) or 373 of title 37.

''(h) The Secretary may prescribe procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter III of chapter 27 of title 14, United States Code, is amended by striking the item relating to section 2772 and inserting the following:

''2772. Education loan repayment program: members on active duty in specified military specialties.''.

SEC. 5258. RETIREMENT OF VICE COMMANDANT.

Section 303 of title 14, United States Code, is amended—

(1) by amending subsection (a)(2) to read as follows:

''(2) A Vice Commandant who is retired while serving as Vice Commandant, after serving not less than 2 years as Vice Commandant, shall be retired with the grade of admiral, except as provided in section 306(d).''; and

(2) in subsection (c), by striking ''or Vice Commandant'' and inserting ''or as an officer serving as Vice Commandant who has served less than 2 years as Vice Commandant''.

SEC. 5259. REPORT ON RESIGNATION AND RETIREMENT PROCESSING TIMES AND DENIAL.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and annually thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report that evaluates resignation and retirement processing timelines.

(b) ELEMENTS.—The report required by subsection (a) shall include the following for the preceding calendar year—

(1) statistics on the number of resignations, retirements, and other separations that occurred;

(2) the processing time for each action described in paragraph (1);

(3) the percentage of requests for such actions that had a command endorsement;

(4) the percentage of requests for such actions that did not have a command endorsement; and

(5) for each denial of a request for a command endorsement and each failure to take action on such a request, a detailed description of the rationale for such denial or failure to take such action.

SEC. 5260. CALCULATION OF ACTIVE SERVICE.

Any service in the Armed Forces described in writing, including by electronic communication, before the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3388), by a representative of the Coast Guard Personnel

Service Center, as service that counts toward total active service for the purpose of retirement under section 2152 of title 14, United States Code, shall be considered by the President as active service for purposes of applying such section with respect to the determination of the retirement qualification for any officer to whom a description was provided.

SEC. 5261. PHYSICAL DISABILITY EVALUATION SYSTEM PROCEDURE REVIEW.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study on the Coast Guard Physical Disability Evaluation System and medical retirement procedures.

(2) ELEMENTS.—The study required by paragraph (1) shall review, and provide recommendations to address, the following:

(A) Coast Guard compliance with all applicable laws, regulations, and policies relating to the Physical Disability Evaluation System and the Medical Evaluation Board.

(B) Coast Guard compliance with timelines set forth in—

(i) the instruction of the Commandant entitled ''Physical Disability Evaluation System'' issued on May 19, 2006 (COMDTNST M1850.2D); and

(ii) the Physical Disability Evaluation System Transparency Initiative (ALCGPSC 030/20).

(C) An evaluation of Coast Guard processes in place to ensure the availability, consistency, and effectiveness of counsel appointed by the Coast Guard Office of the Judge Advocate General to represent members of the Coast Guard undergoing an evaluation under the Physical Disability Evaluation System.

(D) The extent to which the Coast Guard has and uses processes to ensure that such counsel may perform their functions in a manner that is impartial, including being able to perform their functions without undue pressure or interference by the command of the affected member of the Coast Guard, the Personnel Service Center, and the United States Coast Guard Office of the Judge Advocate General.

(E) The frequency with which members of the Coast Guard seek private counsel in lieu of counsel appointed by the Coast Guard Office of the Judge Advocate General, and the frequency of so doing at each member pay grade.

(F) The timeliness of determinations, guidance, and access to medical evaluations necessary for retirement or rating determinations and overall well-being of the affected member of the Coast Guard.

(G) The guidance, formal or otherwise, provided by the Personnel Service Center and the Coast Guard Office of the Judge Advocate General, other than the counsel directly representing affected members of the Coast Guard, in communication with medical personnel examining members.

(H) The guidance, formal or otherwise, provided by the medical professionals reviewing cases within the Physical Disability Evaluation System to affected members of the Coast Guard, and the extent to which such guidance is disclosed to the commanders, commanding officers, or other members of the Coast Guard in the chain of command of such affected members.

(I) The feasibility of establishing a program to allow members of the Coast Guard to select an expedited review to ensure completion of the Medical Evaluation Board report not later than 180 days after the date on which such review was initiated.

(b) REPORT.—The Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study conducted under subsection (a) and recommendations for improving the physical disability evaluation system process.

(c) UPDATED POLICY GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date on which the report under subsection (b) is submitted, the Commandant shall issue updated policy guidance in response to the findings and recommendations contained in the report.

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

(A) A requirement that a member of the Coast Guard, or the counsel of such a member, shall be informed of the contents of, and afforded the option to be present for, any communication between the member's command and the Personnel Service Center, or other Coast Guard entity, with respect to the duty status of the member.

(B) An exception to the requirement described in subparagraph (A) that such a member or the counsel of the member is not required to be informed of the contents of such a communication if it is demonstrated that there is a legitimate health and safety need for the member to be excluded from such communications, supported by a medical opinion that such exclusion is necessary for the health or safety of the member, command, or any other individual.

(C) An option to allow a member of the Coast Guard to initiate an evaluation by a Medical Evaluation Board if a Coast Guard healthcare provider, or other military healthcare provider, has raised a concern about the ability of the member to continue serving in the Coast Guard, in accordance with existing medical and physical disability policy.

(D) An updated policy to remove the command endorsement requirement for retirement or separation unless absolutely necessary for the benefit of the United States.

SEC. 5262. EXPANSION OF AUTHORITY FOR MULTIRATER ASSESSMENTS OF CERTAIN PERSONNEL.

(a) IN GENERAL.—Section 2182(a) of title 14, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) OFFICERS.—Each officer of the Coast Guard shall undergo a multirater assessment before promotion to—

''(A) the grade of O–4;

''(B) the grade of O–5; and

''(C) the grade of O–6.

''(3) ENLISTED MEMBERS.—Each enlisted member of the Coast Guard shall undergo a multirater assessment before advancement to—

''(A) the grade of E–7;

''(B) the grade of E–8;

''(C) the grade of E–9; and

''(D) the grade of E–10.

''(4) SELECTION.—A reviewee shall not be permitted to select the peers and subordinates who provide opinions for his or her multirater assessment.

''(5) POST-ASSESSMENT ELEMENTS.—

''(A) IN GENERAL.—Following an assessment of an individual pursuant to paragraphs (1) through (3), the individual shall be provided appropriate post-assessment counseling and leadership coaching.

''(B) AVAILABILITY OF RESULTS.—The supervisor of the individual assessed shall be provided with the results of the multirater assessment.''.

(b) COST ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the appropriate committees of Congress an estimate of the costs associated with implementing the amendment made by this section.

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

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

(B) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

SEC. 5263. PROMOTION PARITY.

(a) INFORMATION TO BE FURNISHED.—Section 2115(a) of title 14, United States Code, is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

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

(3) by adding at the end the following:

''(3) in the case of an eligible officer considered for promotion to a rank above lieutenant, any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry and any information placed in the personnel service record of the officer under section 1745(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1561 note), shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary.''.

(b) SPECIAL SELECTION REVIEW BOARDS.—

(1) IN GENERAL.—Subchapter I of chapter 21 of title 14, United States Code, is amended by inserting after section 2120 the following:

''§ 2120a. Special selection review boards

''(a) IN GENERAL.—(1) If the Secretary determines that a person recommended by a promotion board for promotion to a grade at or below the grade of rear admiral is the subject of credible information of an adverse nature, including any substantiated adverse finding or conclusion described in section 2115(a)(3) of this title that was not furnished to the promotion board during its consideration of the person for promotion as otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person and recommend whether the recommendation for promotion of the person should be sustained.

''(2) If a person and the recommendation for promotion of the person is subject to review under this section by a special selection review board convened under this section, the name of the person—

''(A) shall not be disseminated or publicly released on the list of officers recommended for promotion by the promotion board recommending the promotion of the person; and

''(B) shall not be forwarded to the President or the Senate, as applicable, or included on a promotion list under section 2121 of this title.

''(b) CONVENING.—(1) Any special selection review board convened under this section shall be convened in accordance with the provisions of section 2120(c) of this title.

''(2) Any special selection review board convened under this section may review such number of persons, and recommendations for promotion of such persons, as the Secretary shall specify in convening such special selection review board.

''(c) INFORMATION CONSIDERED.—(1) In reviewing a person and recommending whether the recommendation for promotion of the person should be sustained under this section, a special selection review board convened under this section shall be furnished and consider the following:

''(A) The record and information concerning the person furnished in accordance with section 2115 of this title to the promotion board that recommended the person for promotion.

''(B) Any credible information of an adverse nature on the person, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry described in section 2115(a)(3) of this title.

''(2) The furnishing of information to a special selection review board under paragraph (1)(B) shall be governed by the standards and procedures referred to in section 2115 of this title.

''(3)(A) Before information on a person described in paragraph (1)(B) is furnished to a special selection review board for purposes of this section, the Secretary shall ensure that—

''(i) such information is made available to the person; and

''(ii) subject to subparagraphs (C) and (D), the person is afforded a reasonable opportunity to submit comments on such information to the special selection review board before its review of the person and the recommendation for promotion of the person under this section.

''(B) If information on a person described in paragraph (1)(B) is not made available to the person as otherwise required by subparagraph (A)(i) due to the classification status of such information, the person shall, to the maximum extent practicable, be furnished a summary of such information appropriate to the person's authorization for access to classified information.

''(C)(i) An opportunity to submit comments on information is not required for a person under subparagraph (A)(ii) if—

''(I) such information was made available to the person in connection with the furnishing of such information under section 2115(a) of this title to the promotion board that recommended the promotion of the person subject to review under this section; and

''(II) the person submitted comments on such information to that promotion board.

''(ii) The comments on information of a person described in clause (i)(II) shall be furnished to the special selection review board.

''(D) A person may waive either or both of the following:

''(i) The right to submit comments to a special selection review board under subparagraph (A)(ii).

''(ii) The furnishing of comments to a special selection review board under subparagraph (C)(ii).

''(d) CONSIDERATION.—(1) In considering the record and information on a person under this section, the special selection review board shall compare such record and information with an appropriate sampling of the records of those officers who were recommended for promotion by the promotion board that recommended the person for promotion, and an appropriate sampling of the records of those officers who were considered by and not recommended for promotion by that promotion board.

''(2) Records and information shall be presented to a special selection review board for purposes of paragraph (1) in a manner that does not indicate or disclose the person or persons for whom the special selection review board was convened.

''(3) In considering whether the recommendation for promotion of a person should be sustained under this section, a special selection review board shall, to the greatest extent practicable, apply standards used by the promotion board that recommended the person for promotion.

''(4) The recommendation for promotion of a person may be sustained under this section only if the special selection review board determines that the person—

''(A) ranks on an order of merit created by the special selection review board as better qualified for promotion than the sample officer highest on the order of merit list who was considered by and not recommended for promotion by the promotion board concerned; and

''(B) is comparable in qualification for promotion to those sample officers who were recommended for promotion by that promotion board.

''(5) A recommendation for promotion of a person may be sustained under this section only by a vote of a majority of the members of the special selection review board.

''(6) If a special selection review board does not sustain a recommendation for promotion of a person under this section, the person shall be considered to have failed of selection for promotion.

''(e) REPORTS.—(1) Each special selection review board convened under this section shall submit to the Secretary a written report, signed by each member of the board, containing the name of each person whose recommendation for promotion it recommends for sustainment and certifying that the board has carefully considered the record and information of each person whose name was referred to it.

''(2) The provisions of section 2117(a) of this title apply to the report and proceedings of a special selection review board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 2106 of this title.

''(f) APPOINTMENT OF PERSONS.—(1) If the report of a special selection review board convened under this section recommends the sustainment of the recommendation for promotion to the next higher grade of a person whose name was referred to it for review under this section, and the President approves the report, the person shall, as soon as practicable, be appointed to that grade in accordance with section 2121 of this title.

''(2) A person who is appointed to the next higher grade as described in paragraph (1) shall, upon that appointment, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active-duty list as the person would have had pursuant to the original recommendation for promotion of the promotion board concerned.

''(g) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

''(h) PROMOTION BOARD DEFINED.—In this section, the term 'promotion board' means a selection board convened by the Secretary under section 2106 of this title.''.

(2) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 21 of title 14, United States Code, is amended by inserting after the item relating to section 2120 the following:

''2120a. Special selection review boards.''.

(c) AVAILABILITY OF INFORMATION.—Section 2118 of title 14, United States Code, is amended by adding at the end the following:

''(e) If the Secretary makes a recommendation under this section that the name of an officer be removed from a report of a selection board and the recommendation is accompanied by information that was not presented to that selection board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.''.

(d) DELAY OF PROMOTION.—Section 2121(f) of title 14, United States Code, is amended to read as follows:

''(f)(1) The promotion of an officer may be delayed without prejudice if any of the following applies:

''(A) The officer is under investigation or proceedings of a court-martial or a board of officers are pending against the officer.

''(B) A criminal proceeding in a Federal or State court is pending against the officer.

''(C) The Secretary determines that credible information of an adverse nature, including a substantiated adverse finding or conclusion described in section 2115(a)(3), with respect to the officer will result in the convening of a special selection review board under section 2120a of this title to review the officer and recommend whether the recommendation for promotion of the officer should be sustained.

''(2)(A) Subject to subparagraph (B), a promotion may be delayed under this subsection until, as applicable—

''(i) the completion of the investigation or proceedings described in subparagraph (A);

''(ii) a final decision in the proceeding described in subparagraph (B) is issued; or

''(iii) the special selection review board convened under section 2120a of this title issues recommendations with respect to the officer.

''(B) Unless the Secretary determines that a further delay is necessary in the public interest, a promotion may not be delayed under this subsection for more than one year after the date the officer would otherwise have been promoted.

''(3) An officer whose promotion is delayed under this subsection and who is subsequently promoted shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held had his promotion not been so delayed.''.

SEC. 5264. PARTNERSHIP PROGRAM TO DIVERSIFY THE COAST GUARD.

(a) ESTABLISHMENT.—The Commandant shall establish a program for the purpose of increasing the number of underrepresented minorities in the enlisted ranks of the Coast Guard.

(b) PARTNERSHIPS.—In carrying out the program established under subsection (a), the Commandant shall—

(1) seek to enter into 1 or more partnerships with eligible entities—

(A) to increase the visibility of Coast Guard careers;

(B) to promote curriculum development—

(i) to enable acceptance into the Coast Guard; and

(ii) to improve success on relevant exams, such as the Armed Services Vocational Aptitude Battery; and

(C) to provide mentoring for students entering and beginning Coast Guard careers; and

(2) enter into a partnership with an existing Junior Reserve Officers' Training Corps for the purpose of promoting Coast Guard careers.

(c) ELIGIBLE INSTITUTION DEFINED.—In this section, the term ''eligible institution'' means—

(1) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

(2) an institution that provides a level of educational attainment that is less than a bachelor's degree;

(3) a part B institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061));

(4) a Tribal College or University (as defined in section 316(b) of that Act (20 U.S.C. 1059c(b)));

(5) a Hispanic-serving institution (as defined in section 502 of that Act (20 U.S.C. 1101a));

(6) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in section 317(b) of that Act (20 U.S.C. 1059d(b)));

(7) a Predominantly Black institution (as defined in section 371(c) of that Act (20 U.S.C. 1071q(c)));

(8) an Asian American and Native American Pacific Islander-serving institution (as defined in such section); and

(9) a Native American-serving nontribal institution (as defined in such section).

SEC. 5265. EXPANSION OF COAST GUARD JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) IN GENERAL.—Section 320 of title 14, United States Code, is amended—

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

(2) in subsection (b), by striking ''subsection (c)'' and inserting ''subsection (d)''; and

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

''(c) SCOPE.—Beginning on December 31, 2025, the Secretary of the department in which the Coast Guard is operating shall maintain at all times a Junior Reserve Officers' Training Corps program with not fewer than 1 such program established in each Coast Guard district.''.

(b) COST ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to Congress an estimate of the costs associated with implementing the amendments made by this section.

SEC. 5266. IMPROVING REPRESENTATION OF WOMEN AND RACIAL AND ETHNIC MINORITIES AMONG COAST GUARD ACTIVE-DUTY MEMBERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, in consultation with the Advisory Board on Women at the Coast Guard Academy established under section 1904 of title 14, United States Code, and the minority outreach team program established by section 1905 of such title, the Commandant shall—

(1) determine which recommendations in the RAND representation report may practicably be implemented to promote improved representation in the Coast Guard of—

(A) women; and

(B) racial and ethnic minorities; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions the Commandant has taken, or plans to take, to implement such recommendations.

(b) CURRICULUM AND TRAINING.—In the case of any action the Commandant plans to take to implement recommendations described in subsection (a)(1) that relate to modification or development of curriculum and training, such modified curriculum and training shall be provided at officer and accession points and at leadership courses managed by the Coast Guard Leadership Development Center.

(c) DEFINITION OF RAND REPRESENTATION REPORT.—In this section, the term ''RAND representation report'' means the report of the Homeland Security Operational Analysis Center of the RAND Corporation entitled ''Improving the Representation of Women and Racial/Ethnic Minorities Among U.S. Coast Guard Active-Duty Members'' issued on August 11, 2021.

SEC. 5267. STRATEGY TO ENHANCE DIVERSITY THROUGH RECRUITMENT AND ACCESSION.

(a) IN GENERAL.—The Commandant shall develop a 10-year strategy to enhance Coast Guard diversity through recruitment and accession—

(1) at educational institutions at the high school and higher education levels; and

(2) for the officer and enlisted ranks.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategy developed under subsection (a).

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

(A) A description of existing Coast Guard recruitment and accession programs at educational institutions at the high school and higher education levels.

(B) An explanation of the manner in which the strategy supports the Coast Guard's overall diversity and inclusion action plan.

(C) A description of the manner in which existing programs and partnerships will be modified or expanded to enhance diversity in recruiting and accession at the high school and higher education levels.

SEC. 5268. SUPPORT FOR COAST GUARD ACADEMY.

(a) IN GENERAL.—Subchapter II of chapter 9 of title 14, United States Code, is amended by adding at the end the following:

''§ 953. Support for Coast Guard Academy

''(a) AUTHORITY.—

''(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—(A) The Commandant may enter contract and cooperative agreements with 1 or more qualified organizations for the purpose of supporting the athletic programs of the Coast Guard Academy.

''(B) Notwithstanding section 2304(k) of title 10, the Commandant may enter into such contracts and cooperative agreements on a sole source basis pursuant to section 2304(c)(5) of title 10.

''(C) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Coast Guard Academy.

''(2) FINANCIAL CONTROLS.—(A) Before entering into a contract or cooperative agreement under paragraph (1), the Commandant shall ensure that the contract or agreement includes appropriate financial controls to account for the resources of the Coast Guard Academy and the qualified organization concerned in accordance with accepted accounting principles.

''(B) Any such contract or cooperative agreement shall contain a provision that allows the Commandant to review, as the Commandant considers necessary, the financial accounts of the qualified organization to determine whether the operations of the qualified organization—

''(i) are consistent with the terms of the contract or cooperative agreement; and

''(ii) would compromise the integrity or appearance of integrity of any program of the Department of Homeland Security.

''(3) LEASES.—For the purpose of supporting the athletic programs of the Coast Guard Academy, the Commandant may, consistent with section 504(a)(13), rent or lease real property located at the Coast Guard Academy to a qualified organization, except that proceeds from such a lease shall be retained and expended in accordance with subsection (f).

''(b) SUPPORT SERVICES.—

''(1) AUTHORITY.—To the extent required by a contract or cooperative agreement under subsection (a), the Commandant may provide support services to a qualified organization while the qualified organization conducts its support activities at the Coast Guard Academy only if the Commandant determines that the provision of such services is essential for the support of the athletic programs of the Coast Guard Academy.

''(2) NO LIABILITY OF THE UNITED STATES.—Support services may only be provided without any liability of the United States to a qualified organization.

''(3) SUPPORT SERVICES DEFINED.—In this subsection, the term 'support services' includes utilities, office furnishings and equipment, communications services, records staging and archiving, audio and video support, and security systems, in conjunction with the leasing or licensing of property.

''(c) TRANSFERS FROM NONAPPROPRIATED FUND OPERATION.—(1) Except as provided in paragraph (2), the Commandant may, subject to the acceptance of the qualified organization concerned, transfer to the qualified organization all title to and ownership of the assets and liabilities of the Coast Guard nonappropriated fund instrumentality, the function of which includes providing support for the athletic programs of the Coast Guard Academy, including bank accounts and financial reserves in the accounts of such fund instrumentality, equipment, supplies, and other personal property.

''(2) The Commandant may not transfer under paragraph (1) any interest in real property.

''(d) ACCEPTANCE OF SUPPORT FROM QUALIFIED ORGANIZATION.—

''(1) IN GENERAL.—Notwithstanding section 1342 of title 31, the Commandant may accept from a qualified organization funds, supplies, and services for the support of the athletic programs of the Coast Guard Academy.

''(2) EMPLOYEES OF QUALIFIED ORGANIZATION.—For purposes of this section, employees or personnel of the qualified organization may not be considered to be employees of the United States.

''(3) FUNDS RECEIVED FROM NCAA.—The Commandant may accept funds from the National Collegiate Athletic Association to support the athletic programs of the Coast Guard Academy.

''(4) LIMITATION.—The Commandant shall ensure that contributions under this subsection and expenditure of funds pursuant to subsection (f)—

''(A) do not reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces (as defined in section 101(a) of title 10) to carry out any responsibility or duty in a fair and objective manner; or

''(B) compromise the integrity or appearance of integrity of any program of the Coast Guard, or any individual involved in such a program.

''(e) TRADEMARKS AND SERVICE MARKS.—

''(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (a) may, consistent with section 2260 of title 10 (other than subsection (d) of such section), authorize a qualified organization to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Coast Guard Academy, subject to the approval of the Commandant.

''(2) LIMITATIONS.—A licensing, marketing, or sponsorship agreement may not be entered into under paragraph (1) if—

''(A) such agreement would reflect unfavorably on the ability of the Coast Guard, any employee of the Coast Guard, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

''(B) the Commandant determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Coast Guard or any individual involved in such a program.

''(f) RETENTION AND USE OF FUNDS.—Funds received by the Commandant under this section may be retained for use to support the athletic programs of the Coast Guard Academy and shall remain available until expended.

''(g) SERVICE ON QUALIFIED ORGANIZATION BOARD OF DIRECTORS.—A qualified organization is a designated entity for which authorization under sections 1033(a) and 1589(a) of title 10, may be provided.

''(h) CONDITIONS.—The authority provided in this section with respect to a qualified organization is available only so long as the qualified organization continues—

''(1) to qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 and operates in accordance with this section, the law of the State of Connecticut, and the constitution and bylaws of the qualified organization; and

''(2) to operate exclusively to support the athletic programs of the Coast Guard Academy.

''(i) QUALIFIED ORGANIZATION DEFINED.—In this section, the term 'qualified organization' means an organization—

''(1) described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of that section; and

''(2) established by the Coast Guard Academy Alumni Association solely for the purpose of supporting Coast Guard athletics.

''§ 954. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds

''(a) AUTHORITY.—In the case of a Coast Guard Academy mixed-funded athletic or recreational extracurricular program, the Commandant may designate funds appropriated to the Coast Guard and available for that program to be treated as nonappropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

''(b) COVERED PROGRAMS.—In this section, the term 'Coast Guard Academy mixed-funded athletic or recreational extracurricular program' means an athletic or recreational extracurricular program of the Coast Guard Academy to which each of the following applies:

''(1) The program is not considered a morale, welfare, or recreation program.

''(2) The program is supported through appropriated funds.

''(3) The program is supported by a nonappropriated fund instrumentality.

''(4) The program is not a private organization and is not operated by a private organization.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 9 of title 14, United States Code, is amended by adding at the end the following:

''953. Support for Coast Guard Academy.
''954. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds.''.

SEC. 5269. TRAINING FOR CONGRESSIONAL AFFAIRS PERSONNEL.

(a) IN GENERAL.—Section 315 of title 14, United States Code, is amended to read as follows:

''§ 315. Training for congressional affairs personnel

''(a) IN GENERAL.—The Commandant shall develop a training course, which shall be administered in person, on the workings of Congress for any member of the Coast Guard selected for a position as a fellow, liaison, counsel, administrative staff for the Coast Guard Office of Congressional and Governmental Affairs, or any Coast Guard district or area governmental affairs officer.

''(b) COURSE SUBJECT MATTER.—

''(1) IN GENERAL.—The training course required by this section shall provide an overview and introduction to Congress and the Federal legislative process, including—

''(A) the congressional budget process;

''(B) the congressional appropriations process;

''(C) the congressional authorization process;

''(D) the Senate advice and consent process for Presidential nominees;

''(E) the Senate advice and consent process for treaty ratification;

''(F) the roles of Members of Congress and congressional staff in the legislative process;

''(G) the concept and underlying purposes of congressional oversight within the governance framework of separation of powers;

''(H) the roles of Coast Guard fellows, liaisons, counsels, governmental affairs officers, the Coast Guard Office of Program Review, the Coast Guard Headquarters program offices, and any other entity the Commandant considers relevant; and

''(I) the roles and responsibilities of Coast Guard public affairs and external communications personnel with respect to Members of Congress and their staff necessary to enhance communication between Coast Guard units, sectors, and districts and Member offices and committees of jurisdiction so as to ensure visibility of Coast Guard activities.

''(2) DETAIL WITHIN COAST GUARD OFFICE OF BUDGET AND PROGRAMS.—

''(A) IN GENERAL.—At the written request of the receiving congressional office, the training course required by this section shall include a multi-day detail within the Coast Guard Office of Budget and Programs to ensure adequate exposure to Coast Guard policy, oversight, and requests from Congress.

''(B) NONCONSECUTIVE DETAIL PERMITTED.—A detail under this paragraph is not required to be consecutive with the balance of the training.

''(c) COMPLETION OF REQUIRED TRAINING.—A member of the Coast Guard selected for a position described in subsection (a) shall complete the training required by this section before the date on which such member reports for duty for such position.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 14, United States Code, is amended by striking the item relating to section 315 and inserting the following:

''315. Training for congressional affairs personnel.''.

SEC. 5270. STRATEGY FOR RETENTION OF CUTTERMEN.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall publish a strategy to improve incentives to attract and retain a diverse workforce serving on Coast Guard cutters.

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

(1) Policies to improve flexibility in the afloat career path, including a policy that enables members of the Coast Guard serving on Coast Guard cutters to transition between operations afloat and operations ashore assignments without detriment to their career progression.

(2) A review of current officer requirements for afloat positions at each pay grade, and an assessment as to whether such requirements are appropriate or present undue limitations.

(3) Strategies to improve crew comfort afloat, such as berthing modifications to accommodate all crewmembers.

(4) Actionable steps to improve access to high-speed internet capable of video conference for the purposes of medical, educational, and personal use by members of the Coast Guard serving on Coast Guard cutters.

(5) An assessment of the effectiveness of bonuses to attract members to serve at sea and retain talented members of the Coast Guard serving on Coast Guard cutters to serve as leaders in senior enlisted positions, department head positions, and command positions.

(6) Policies to ensure that high-performing members of the Coast Guard serving on Coast Guard cutters are competitive for special assignments, postgraduate education, senior service schools, and other career-enhancing positions.

SEC. 5271. STUDY ON PERFORMANCE OF COAST GUARD FORCE READINESS COMMAND.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on the performance of the Coast Guard Force Readiness Command.

(b) ELEMENTS.—The study required by subsection (a) shall include an assessment of the following:

(1) The actions the Force Readiness Command has taken to develop and implement training for the Coast Guard workforce.

(2) The extent to which the Force Readiness Command—

(A) has assessed performance, policy, and training compliance across Force Readiness Command headquarters and field units, and the results of any such assessment; and

(B) is modifying and expanding Coast Guard training to match the future demands of the Coast Guard with respect to growth in workforce numbers, modernization of assets and infrastructure, and increased global mission demands relating to the Arctic and Western Pacific regions and cyberspace.

(c) REPORT.—Not later than 1 year after the study required by subsection (a) commences, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

SEC. 5272. STUDY ON FREQUENCY OF WEAPONS TRAINING FOR COAST GUARD PERSONNEL.

(a) IN GENERAL.—The Commandant shall conduct a study to assess whether current weapons training required for Coast Guard law enforcement and other relevant personnel is sufficient.

(b) ELEMENTS.—The study required by subsection (a) shall—

(1) assess whether there is a need to improve weapons training for Coast Guard law enforcement and other relevant personnel; and

(2) identify—

(A) the frequency of such training most likely to ensure adequate weapons training, proficiency, and safety among such personnel;

(B) Coast Guard law enforcement and other applicable personnel who should be prioritized to receive such improved training; and

(C) any challenge posed by a transition to improving such training and offering such training more frequently, and the resources necessary to address such a challenge.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation

of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study conducted under subsection (a).

Subtitle G—Miscellaneous Provisions

SEC. 5281. BUDGETING OF COAST GUARD RELATING TO CERTAIN OPERATIONS.

(a) IN GENERAL.—Chapter 51 of title 14, United States Code, as amended by section 5252(b), is further amended by adding at the end the following:

''§ 5114. Expenses of performing and executing defense readiness missions and other activities unrelated to Coast Guard missions

''The Commandant shall include in the annual budget submission of the President under section 1105(a) of title 31 a dedicated budget line item that adequately represents a calculation of the annual costs and expenditures of performing and executing all defense readiness mission activities, including—

''(1) all expenses related to the Coast Guard's coordination, training, and execution of defense readiness mission activities in the Coast Guard's capacity as an armed force (as such term is defined in section 101 of title 10) in support of Department of Defense national security operations and activities or for any other military department or Defense Agency (as such terms are defined in such section);

''(2) costs associated with Coast Guard detachments assigned in support of the Coast Guard's defense readiness mission; and

''(3) any other related expenses, costs, or matters the Commandant considers appropriate or otherwise of interest to Congress.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, as amended by section 5252(b), is further amended by adding at the end the following:

''5114. Expenses of performing and executing defense readiness missions or other activities unrelated to Coast Guard missions.''.

SEC. 5282. COAST GUARD ASSISTANCE TO UNITED STATES SECRET SERVICE.

Section 6 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) is amended—

(1) by striking ''Executive departments'' and inserting the following:

''(a) Except as provided in subsection (b), Executive departments'';

(2) by striking ''Director; except that the Department of Defense and the Coast Guard shall provide such assistance'' and inserting the following: ''Director.

''(b)(1) Subject to paragraph (2), the Department of Defense and the Coast Guard shall provide assistance described in subsection (a)''; and

(3) by adding at the end the following:

''(2)(A) For fiscal year 2022, and each fiscal year thereafter, the total cost of assistance described in subsection (a) provided by the Coast Guard on a nonreimbursable basis shall not exceed $15,000,000.

''(B) The Coast Guard may provide assistance described in subsection (a) during a fiscal year in addition to the amount specified in subparagraph (A) on a reimbursable basis.''.

SEC. 5283. CONVEYANCE OF COAST GUARD VESSELS FOR PUBLIC PURPOSES.

(a) TRANSFER.—Section 914 of the Coast Guard Authorization Act of 2010 (14 U.S.C. 501 note; Public Law 111–281) is—

(1) transferred to subchapter I of chapter 5 of title 14, United States Code;

(2) added at the end so as to follow section 509 of such title, as added by section 5241 of this Act;

(3) redesignated as section 510 of such title; and

(4) amended so that the enumerator, the section heading, typeface, and typestyle conform to those appearing in other sections of title 14, United States Code.

(b) CLERICAL AMENDMENTS.—

(1) COAST GUARD AUTHORIZATION ACT OF 2010.—The table of contents in section 1(b) of the Coast Guard Authorization Act of 2010 (Public Law 111–281) is amended by striking the item relating to section 914.

(2) TITLE 14.—The analysis for subchapter I of chapter 5 of title 14, United States Code, as amended by section 5241 of this Act, is amended by adding at the end the following:

''510. Conveyance of Coast Guard vessels for public purposes.''.

(c) CONVEYANCE OF COAST GUARD VESSELS FOR PUBLIC PURPOSES.—Section 510 of title 14, United States Code, as transferred and redesignated by subsection (a), is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—On request by the Commandant, the Administrator of the General Services Administration may transfer ownership of a Coast Guard vessel or aircraft to an eligible entity for educational, cultural, historical, charitable, recreational, or other public purposes if such transfer is authorized by law.''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''as if the request were being processed'' after ''vessels''; and

(ii) by inserting '', as in effect on the date of the enactment of the Coast Guard Authorization Act of 2022'' after ''Code of Federal Regulations'';

(B) in paragraph (2) by inserting '', as in effect on the date of the enactment of the Coast Guard Authorization Act of 2022'' after ''such title''; and

(C) in paragraph (3), by striking ''of the Coast Guard''.

SEC. 5284. COAST GUARD INTELLIGENCE ACTIVITIES AND EMERGENCY AND EXTRAORDINARY EXPENSES.

(a) IN GENERAL.—Subject to the limitations of subsection (b) and with sums made available to the Director of the Coast Guard Counterintelligence Service, the Commandant may expend funds for human intelligence and counterintelligence activities of any confidential, emergency, or extraordinary nature that cannot be anticipated or classified. The Commandant shall certify that such expenditure was made for an object of a confidential, emergency, or extraordinary nature and such a certification is final and conclusive upon the accounting officers of the United States. A written certification by the Commandant is sufficient voucher for the expenditure.

(b) LIMITATIONS.—

(1) MAXIMUM ANNUAL AMOUNT.—For each fiscal year, the Commandant may not obligate or expend funds under subsection (a) in an amount that exceeds 5 percent of the funds made available to the Director of the Coast Guard Counterintelligence Service for such fiscal year until—

(A) the Commandant has notified the appropriate committees of Congress of the intent to obligate or expend the funds in excess of such amount; and

(B) 15 days have elapsed since the date of the notification in accordance with subparagraph (A).

(2) REQUIREMENTS FOR EXPENDITURES IN EXCESS OF $25,000.—The Commandant may not obligate or expend funds under subsection (a) for an expenditure in excess of $25,000 until—

(A) the Commandant has notified the appropriate committees of Congress of the intent to obligate or expend the funds; and

(B) 15 days have elapsed since the date of the notification in accordance with subparagraph (A).

(c) WAIVER.—Notwithstanding subsection (b), the Commandant may waive a requirement under such subsection if the Commandant determines that such a waiver is necessary due to extraordinary circumstances that affect the national security of the United States. If the Commandant issues a waiver under this subsection, the Commandant shall submit to the appropriate committees of Congress, by not later than 48 hours after issuing the waiver, written notice of and justification for the waiver.

(d) REPORTS.—

(1) IN GENERAL.—Not less frequently than semiannually, the Commandant shall—

(A) submit to the appropriate committees of Congress a report on all expenditures during the preceding semiannual period under subsection (a); and

(B) provide a briefing to the appropriate committees of Congress on the report submitted under subparagraph (A).

(2) CONTENTS.—Each report submitted under paragraph (1)(A) shall include, for each individual expenditure covered by such report in an amount in excess of $25,000, the following:

(A) A detailed description of the purpose of such expenditure.

(B) The amount of such expenditure.

(C) An identification of the approving authority for such expenditure.

(D) A justification of why other authorities available to the Coast Guard could not be used for such expenditure.

(E) Any other additional information as the Commandant considers appropriate.

(e) SPECIAL RULE.—The authority of this section shall be executed in a manner that does not contravene, and is consistent with, the responsibility and authority of the Director of National Intelligence as described in sections 3023 and 3024 of title 50, United States Code.

(f) 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 Transportation and Infrastructure of the House of Representatives.

SEC. 5285. TRANSFER AND CONVEYANCE.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Commandant shall, without consideration, transfer in accordance with subsection (b) and convey in accordance with subsection (c) a parcel of the real property described in paragraph (2), including any improvements thereon, to free the Coast Guard of liability for any unforeseen environmental or remediation of substances unknown that may exist on, or emanate from, such parcel.

(2) PROPERTY.—The property described in this paragraph is real property at Dauphin Island, Alabama, located at 100 Agassiz Street, and consisting of a total of approximately 35.63 acres. The exact acreage and legal description of the parcel of such property to be transferred or conveyed in accordance with subsection (b) or (c), respectively, shall be determined by a survey satisfactory to the Commandant.

(b) TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Commandant shall transfer, as described in subsection (a), to the Secretary of Health and Human Services (in this section referred to as the ''Secretary''), for use by the Food and Drug Administration, custody and control of a portion, consisting of approximately 4 acres, of the parcel of real property described in such subsection, to be identified by agreement between the Commandant and the Secretary.

(c) TO THE STATE OF ALABAMA.—The Commandant shall convey, as described in subsection (a), to the Marine Environmental

Sciences Consortium, a unit of the government of the State of Alabama, located at Dauphin Island, Alabama, all rights, title, and interest of the United States in and to such portion of the parcel described in such subsection that is not transferred to the Secretary under subsection (b).

(d) PAYMENTS AND COSTS OF TRANSFER AND CONVEYANCE.—

(1) PAYMENTS.—

(A) IN GENERAL.—The Secretary shall pay costs to be incurred by the Coast Guard, or reimburse the Coast Guard for such costs incurred by the Coast Guard, to carry out the transfer and conveyance required by this section, including survey costs, appraisal costs, costs for environmental documentation related to the transfer and conveyance, and any other necessary administrative costs related to the transfer and conveyance.

(B) FUNDS.—Notwithstanding section 780 of division B of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), any amounts that are made available to the Secretary under such section and not obligated on the date of enactment of this Act shall be available to the Secretary for the purpose described in subparagraph (A).

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the Commandant as reimbursement under paragraph (1) shall be credited to the Coast Guard Housing Fund established under section 2946 of title 14, United States Code, or the account that was used to pay the costs incurred by the Coast Guard in carrying out the transfer or conveyance under this section, as determined by the Commandant, and shall be made available until expended. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

SEC. 5286. TRANSPARENCY AND OVERSIGHT.

(a) NOTIFICATION.—

(1) IN GENERAL.—Subject to subsection (b), the Secretary of the department in which the Coast Guard is operating, or the designee of the Secretary, shall notify the appropriate committees of Congress and the Coast Guard Office of Congressional and Governmental Affairs not later than 3 full business days before—

(A) making or awarding a grant allocation or grant in excess of $1,000,000;

(B) making or awarding a contract, other transaction agreement, or task or delivery order on a Coast Guard multiple award contract, or issuing a letter of intent totaling more than $4,000,000;

(C) awarding a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Coast Guard funds;

(D) making a sole-source grant award; or

(E) announcing publicly the intention to make or award an item described in subparagraph (A), (B), (C), or (D), including a contract covered by the Federal Acquisition Regulation.

(2) ELEMENT.—A notification under this subsection shall include—

(A) the amount of the award;

(B) the fiscal year for which the funds for the award were appropriated;

(C) the type of contract;

(D) an identification of the entity awarded the contract, such as the name and location of the entity; and

(E) the account from which the funds are to be drawn.

(b) EXCEPTION.—If the Secretary of the department in which the Coast Guard is operating determines that compliance with subsection (a) would pose a substantial risk to human life, health, or safety, the Secretary—

(1) may make an award or issue a letter described in that subsection without the notification required under that subsection; and

(2) shall notify the appropriate committees of Congress not later than 5 full business days after such an award is made or letter issued.

(c) APPLICABILITY.—Subsection (a) shall not apply to funds that are not available for obligation.

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

(1) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(2) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

SEC. 5287. STUDY ON SAFETY INSPECTION PROGRAM FOR CONTAINERS AND FACILITIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Commissioner of U.S. Customs and Border Protection, shall complete a study on the safety inspection program for containers (as defined in section 80501 of title 46, United States Code) and designated waterfront facilities receiving containers.

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

(1) An evaluation and review of such safety inspection program.

(2) A determination of—

(A) the number of container inspections conducted annually by the Coast Guard during the preceding 10-year period, as compared to the number of containers moved through United States ports annually during such period; and

(B) the number of qualified Coast Guard container and facility inspectors, and an assessment as to whether, during the preceding 10-year period, there have been a sufficient number of such inspectors to carry out the mission of the Coast Guard.

(3) An evaluation of the training programs available to such inspectors and the adequacy of such training programs during the preceding 10-year period.

(4) An assessment as to whether such training programs adequately prepare future leaders for leadership positions in the Coast Guard.

(5) An identification of areas of improvement for such program in the interest of commerce and national security, and the costs associated with such improvements.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study required by subsection (a), including the personnel and resource requirements necessary for such program.

SEC. 5288. STUDY ON MARITIME LAW ENFORCEMENT WORKLOAD REQUIREMENTS.

(a) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall commence a study that assesses the maritime law enforcement workload requirements of the Coast Guard.

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

(A) For each of the 10 years immediately preceding the date of the enactment of this Act, an analysis of—

(i) the total number of migrant interdictions, and Coast Guard sectors in which such interdictions occurred;

(ii) the total number of drug interdictions, the amount and type of drugs interdicted, and the Coast Guard sectors in which such interdictions occurred;

(iii) the physical assets used for drug interdictions, migrant interdictions, and other law enforcement purposes; and

(iv) the total number of Coast Guard personnel who carried out drug interdictions, migrant interdictions, and other law enforcement activities.

(B) An assessment of—

(i) migrant and drug interdictions and other law enforcement activities along the maritime boundaries of the United States, including the maritime boundaries of the northern and southern continental United States and Alaska;

(ii) Federal policies and procedures related to immigration and asylum, and the associated impact of such policies and procedures on the activities described in clause (i), including—

(I) public health exclusion policies, such as expulsion pursuant to sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265 and 268); and

(II) administrative asylum processing policies, such as the remain in Mexico policy and the migrant protection protocols;

(iii) increases or decreases in physical terrestrial infrastructure in and around the international borders of the United States, and the associated impact of such increases or decreases on the activities described in clause (i); and

(iv) increases or decreases in physical Coast Guard assets in the areas described in clause (i), the proximity of such assets to such areas, and the associated impact of such increases or decreases on the activities described in clause (i).

(b) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

(c) BRIEFING.—Not later than 90 days after the date on which the report required by subsection (b) is submitted, the Commandant shall provide a briefing on the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 5289. FEASIBILITY STUDY ON CONSTRUCTION OF COAST GUARD STATION AT PORT MANSFIELD.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall commence a feasibility study on construction of a Coast Guard station at Port Mansfield, Texas.

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

(A) An assessment of the resources and workforce requirements necessary for a new Coast Guard station at Port Mansfield.

(B) An identification of the enhancements to the missions and capabilities of the Coast Guard that a new Coast Guard station at Port Mansfield would provide.

(C) An estimate of the life-cycle costs of such a facility, including the construction, maintenance costs, and staffing costs.

(D) A cost-benefit analysis of the enhancements and capabilities provided, as compared to the costs of construction, maintenance, and staffing.

(b) REPORT.—Not later than 180 days after commencing the study required by subsection (a), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

SEC. 5290. MODIFICATION OF PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

Section 8414 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 14 U.S.C. 1156 note) is amended—

(1) by amending subsection (b) to read as follows:

''(b) EXEMPTION.—The Commandant is exempt from the restriction under subsection (a) if the operation or procurement is for the purposes of—

''(1) counter-UAS system surrogate testing and training; or

''(2) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training.'';

(2) by amending subsection (c) to read as follows:

''(c) WAIVER.—The Commandant may waive the restriction under subsection (a) on a case-by-case basis by certifying in writing not later than 15 days after exercising such waiver to the Department of Homeland Security, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that the operation or procurement of a covered unmanned aircraft system is required in the national interest of the United States.'';

(3) in subsection (d)—

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

''(1) COVERED FOREIGN COUNTRY.—The term 'covered foreign country' means any of the following:

''(A) The People's Republic of China.

''(B) The Russian Federation.

''(C) The Islamic Republic of Iran.

''(D) The Democratic People's Republic of Korea.''; and

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

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

''(2) COVERED UNMANNED AIRCRAFT SYSTEM.—The term 'covered unmanned aircraft system' means—

''(A) an unmanned aircraft system described in paragraph (1) of subsection (a); and

''(B) a system described in paragraph (2) of that subsection.''; and

(D) in paragraph (4), as redesignated, by inserting '', and any related services and equipment'' after ''United States Code''; and

(4) by adding at the end the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Commandant $2,700,000 to replace covered unmanned aircraft systems.

''(2) REPLACEMENT.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall replace covered unmanned aircraft systems of the Coast Guard with unmanned aircraft systems manufactured in the United States or an allied country (as that term is defined in section 2350f(d)(1) of title 10, United States Code).''.

SEC. 5291. OPERATIONAL DATA SHARING REPOSITORY.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating (referred to in this section as the ''Secretary'') shall, consistent with the ongoing Integrated Multi-Domain Enterprise joint effort by the Department of Homeland Security and the Department of Defense, establish a secure, centralized, electronic repository to allow real-time, or near real-time, data and information sharing between U.S. Customs and Border Protection and the Coast Guard for purposes of maritime boundary domain awareness and enforcement activities along the maritime boundaries of the United States, including the maritime boundaries in the northern and southern continental United States and Alaska.

(b) PRIORITY.—In establishing the repository under subsection (a), the Secretary shall prioritize enforcement areas experiencing the highest levels of enforcement activity.

(c) REQUIREMENTS.—The repository established under subsection (a) shall be sufficient for the secure sharing of data, information, and surveillance necessary for operational missions, including data from governmental assets, irrespective of whether an asset belongs to the Coast Guard, U.S. Customs and Border Protection, or any other partner agency, located in and around mission operation areas.

(d) ELEMENTS.—The Commissioner of U.S. Customs and Border Protection and the Commandant shall jointly—

(1) assess and delineate the types and quality of data sharing needed to meet the respective operational missions of U.S. Customs and Border Protection and the Coast Guard, including video surveillance, seismic sensors, infrared detection, space-based remote sensing, and any other data or information necessary;

(2) develop appropriate requirements and processes for the credentialing of personnel of U.S. Customs and Border Protection and personnel of the Coast Guard to access and use the repository established under subsection (a); and

(3) establish a cost-sharing agreement for the long-term operation and maintenance of the repository and the assets that provide data to the repository.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the Coast Guard, U.S. Customs and Border Protection, or any other partner agency to acquire, share, or transfer personal information relating to an individual in violation of any Federal or State law or regulation.

SEC. 5292. PROCUREMENT OF TETHERED AEROSTAT RADAR SYSTEM FOR COAST GUARD STATION SOUTH PADRE ISLAND.

Subject to the availability of appropriations, the Secretary of the department in which the Coast Guard is operating shall procure not fewer than 1 tethered aerostat radar system, or similar technology, for use by the Coast Guard and other partner agencies, including U.S. Customs and Border Protection, at and around Coast Guard Station South Padre Island.

SEC. 5293. ASSESSMENT OF IRAN SANCTIONS RELIEF ON COAST GUARD OPERATIONS UNDER THE JOINT COMPREHENSIVE PLAN OF ACTION.

Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Director of the Defense Intelligence Agency and the Commander of United States Central Command, shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, in an unclassified setting with a classified component if necessary, on—

(1) the extent to which the Commandant assesses Iran would use sanctions relief received by Iran under the Joint Comprehensive Plan of Action to bolster Iran's support for Iranian forces or Iranian-linked groups across the Middle East in a manner that may impact Coast Guard personnel and operations in the Middle East; and

(2) the Coast Guard requirements for deterring and countering increased malign behavior from such groups with respect to activities under the jurisdiction of the Coast Guard.

SEC. 5294. REPORT ON SHIPYARDS OF FINLAND AND SWEDEN.

Not later than 2 years after the date of the enactment of this Act, the Commandant, in consultation with the Comptroller General of the United States, shall submit to Congress a report that analyzes the shipyards of Finland and Sweden to assess future opportunities for technical assistance related to engineering to aid the Coast Guard in fulfilling its future mission needs.

SEC. 5295. COAST GUARD SPECTRUM AUDIT.

(a) DEFINITION.—In this section, the term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(b) AUDIT AND REPORT.—Not later than 3 years after the date of enactment of this Act, the Assistant Secretary and the Secretary of Homeland Security, in consultation with the Commandant, shall jointly—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to the Coast Guard 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).

(c) CONTENTS OF REPORT.—The Assistant Secretary and the Secretary of Homeland Security shall include in the report submitted under subsection (b)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to the Coast Guard as of the date of the audit—

(1) each particular band of spectrum being used by the Coast Guard;

(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 State or other geographic area in which a particular band described in paragraph (1) is assigned or allocated for use;

(4) whether a particular band described in paragraph (1) is used exclusively by the Coast Guard or shared with another Federal entity or a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Coast Guard.

(d) FORM OF REPORT.—The report required under subsection (b)(2) shall be submitted in unclassified form but may include a classified annex.

SEC. 5296. PROHIBITION ON CONSTRUCTION CONTRACTS WITH ENTITIES ASSOCIATED WITH THE CHINESE COMMUNIST PARTY.

(a) IN GENERAL.—The Commandant may not award any contract for new construction until the date on which the Commandant provides to Congress a certification that the other party has not, during the 10-year period preceding the planned date of award, directly or indirectly held an economic interest in an entity that is—

(1) owned or controlled by the People's Republic of China; and

(2) part of the defense industry of the Chinese Communist Party.

(b) INAPPLICABILITY TO TAIWAN.—Subsection (a) shall not apply with respect to an economic interest in an entity owned or controlled by Taiwan.

SEC. 5297. REVIEW OF DRUG INTERDICTION EQUIPMENT AND STANDARDS; TESTING FOR FENTANYL DURING INTERDICTION OPERATIONS.

(a) REVIEW.—

(1) IN GENERAL.—The Commandant, in consultation with the Administrator of the Drug Enforcement Administration and the Secretary of Health and Human Services, shall—

(A) conduct a review of—

(i) the equipment, testing kits, and rescue medications used to conduct Coast Guard drug interdiction operations; and

(ii) the safety and training standards, policies, and procedures with respect to such operations; and

(B) determine whether the Coast Guard is using the latest equipment and technology and up-to-date training and standards for recognizing, handling, testing, and securing illegal drugs, fentanyl, synthetic opioids, and precursor chemicals during such operations.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the appropriate committees of Congress a report on the results of the review conducted under paragraph (1).

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

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

(B) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(b) REQUIREMENT.—If, as a result of the review required by subsection (a), the Commandant determines that the Coast Guard is not using the latest equipment and technology and up-to-date training and standards for recognizing, handling, testing, and securing illegal drugs, fentanyl, synthetic opioids, and precursor chemicals during drug interdiction operations, the Commandant shall ensure that the Coast Guard acquires and uses such equipment and technology, carries out such training, and implements such standards.

(c) TESTING FOR FENTANYL.—The Commandant shall ensure that Coast Guard drug interdiction operations include the testing of substances encountered during such operations for fentanyl, as appropriate.

SEC. 5298. PUBLIC AVAILABILITY OF INFORMATION ON MONTHLY MIGRANT INTERDICTIONS.

Not later than the 15th day of each month, the Commandant shall make available to the public on an internet website of the Coast Guard the number of migrant interdictions carried out by the Coast Guard during the preceding month.

TITLE LIII—ENVIRONMENT

SEC. 5301. DEFINITION OF SECRETARY.

Except as otherwise specifically provided, in this title, the term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

Subtitle A—Marine Mammals

SEC. 5311. DEFINITIONS.

In this subtitle:

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

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

(B) the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives.

(2) CORE FORAGING HABITATS.—The term ''core foraging habitats'' means areas—

(A) with biological and physical oceanographic features that aggregate Calanus finmarchicus; and

(B) where North Atlantic right whales foraging aggregations have been well documented.

(3) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' has the meaning given that term in section 107 of title 46, United States Code.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) LARGE CETACEAN.—The term ''large cetacean'' means all endangered or threatened species within—

(A) the suborder Mysticeti;

(B) the genera Physeter; or

(C) the genera Orcinus.

(6) NEAR REAL-TIME.—The term ''near real-time'', with respect to monitoring of whales, means that visual, acoustic, or other detections of whales are processed, transmitted, and reported as close to the time of detection as is technically feasible.

(7) 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.

(8) PUGET SOUND REGION.—The term ''Puget Sound region'' means the Vessel Traffic Service Puget Sound area described in section 161.55 of title 33, Code of Federal Regulations (as of the date of the enactment of this Act).

(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, individually identified (including parenthetically) in the list published most recently as of the date of the enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(10) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Oceans and Atmosphere.

SEC. 5312. ASSISTANCE TO PORTS TO REDUCE THE IMPACTS OF VESSEL TRAFFIC AND PORT OPERATIONS ON MARINE MAMMALS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Secretary, the Secretary of Defense, and the Administrator of the Maritime Administration, shall establish a grant program to provide assistance to eligible entities to develop and implement mitigation measures that will lead to a quantifiable reduction in threats to marine mammals from vessel traffic, including shipping activities and port operations.

(b) ELIGIBLE ENTITIES.—An entity is an eligible entity for purposes of assistance awarded under subsection (a) if the entity is—

(1) a port authority for a port;

(2) a State, regional, local, or Tribal government, or an Alaska Native or Native Hawaiian entity that has jurisdiction over a maritime port authority or a port;

(3) an academic institution, research institution, or nonprofit organization working in partnership with a port; or

(4) a consortium of entities described in paragraphs (1), (2), and (3).

(c) ELIGIBLE USES.—Assistance awarded under subsection (a) may be used to develop, assess, and carry out activities that reduce threats to marine mammals by—

(1) reducing underwater stressors related to marine traffic;

(2) reducing mortality and serious injury from vessel strikes and other physical disturbances;

(3) monitoring sound;

(4) reducing vessel interactions with marine mammals;

(5) conducting other types of monitoring that are consistent with reducing the threats to, and enhancing the habitats of, marine mammals; or

(6) supporting State agencies and Tribal governments in developing the capacity to receive assistance under this section through education, training, information sharing, and collaboration to participate in the grant program under this section.

(d) PRIORITY.—The Under Secretary shall prioritize assistance under subsection (a) for projects that—

(1) are based on the best available science with respect to methods to reduce threats to marine mammals;

(2) collect data on the reduction of such threats and the effects of such methods;

(3) assist ports that pose a higher relative threat to marine mammals listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(4) are in close proximity to areas in which threatened or endangered cetaceans are known to experience other stressors; or

(5) allow eligible entities to conduct risk assessments and to track progress toward threat reduction.

(e) OUTREACH.—The Under Secretary, in coordination with the Secretary, the Administrator of the Maritime Administration, and the Director of the United States Fish and Wildlife Service, as appropriate, shall conduct coordinated outreach to ports to provide information with respect to—

(1) how to apply for assistance under subsection (a);

(2) the benefits of such assistance; and

(3) facilitation of best practices and lessons, including the best practices and lessons learned from activities carried out using such assistance.

(f) REPORT REQUIRED.—Not less frequently than annually, the Under Secretary shall make available to the public on a publicly accessible internet website of the National Oceanic and Atmospheric Administration a report that includes the following information:

(1) The name and location of each entity to which assistance was awarded under subsection (a) during the year preceding submission of the report.

(2) The amount of each such award.

(3) A description of the activities carried out with each such award.

(4) An estimate of the likely impact of such activities on the reduction of threats to marine mammals.

(5) An estimate of the likely impact of such activities, including the cost of such activities, on port operations.

(g) FUNDING.—From funds otherwise appropriated to the Under Secretary, $10,000,000 is authorized to carry out this section for each of fiscal years 2023 through 2028.

(h) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

SEC. 5313. NEAR REAL-TIME MONITORING AND MITIGATION PROGRAM FOR LARGE CETACEANS.

(a) ESTABLISHMENT.—The Under Secretary, in coordination with the heads of other relevant Federal agencies, shall design and deploy a cost-effective, efficient, and results-oriented near real-time monitoring and mitigation program for endangered or threatened cetaceans (referred to in this section as the ''Program'').

(b) PURPOSE.—The purpose of the Program shall be to reduce the risk to large cetaceans posed by vessel collisions, and to minimize other impacts on large cetaceans, through the use of near real-time location monitoring and location information.

(c) REQUIREMENTS.—The Program shall—

(1) prioritize species of large cetaceans for which impacts from vessel collisions are of particular concern;

(2) prioritize areas where such impacts are of particular concern;

(3) be capable of detecting and alerting ocean users and enforcement agencies of the probable location of large cetaceans on an actionable real-time basis, including through real-time data whenever possible;

(4) inform sector-specific mitigation protocols to effectively reduce takes (as defined in section 216.3 of title 50, Code of Federal Regulations, or successor regulations) of large cetaceans;

(5) integrate technology improvements; and

(6) be informed by technologies, monitoring methods, and mitigation protocols developed under the pilot project required by subsection (d).

(d) PILOT PROJECT.—

(1) ESTABLISHMENT.—In carrying out the Program, the Under Secretary shall first establish a pilot monitoring and mitigation project for North Atlantic right whales (referred to in this section as the ''pilot project'') for the purposes of informing the Program.

(2) REQUIREMENTS.—In designing and deploying the pilot project, the Under Secretary, in coordination with the heads of other relevant Federal agencies, shall, using the best available scientific information, identify and ensure coverage of—

(A) core foraging habitats; and

(B) important feeding, breeding, calving, rearing, or migratory habitats of North Atlantic right whales that co-occur with areas of high risk of mortality or serious injury of such whales from vessels, vessel strikes, or disturbance.

(3) COMPONENTS.—Not later than 3 years after the date of the enactment of this Act, the Under Secretary, in consultation with relevant Federal agencies and Tribal governments, and with input from affected stakeholders, shall design and deploy a near real-time monitoring system for North Atlantic right whales that—

(A) comprises the best available detection power, spatial coverage, and survey effort to detect and localize North Atlantic right whales within habitats described in paragraph (2);

(B) is capable of detecting North Atlantic right whales, including visually and acoustically;

(C) uses dynamic habitat suitability models to inform the likelihood of North Atlantic right whale occurrence in habitats described in paragraph (2) at any given time;

(D) coordinates with the Integrated Ocean Observing System of the National Oceanic and Atmospheric Administration and Regional Ocean Partnerships to leverage monitoring assets;

(E) integrates historical data;

(F) integrates new near real-time monitoring methods and technologies as such methods and technologies become available;

(G) accurately verifies and rapidly communicates detection data to appropriate ocean users;

(H) creates standards for contributing, and allows ocean users to contribute, data to the monitoring system using comparable near real-time monitoring methods and technologies;

(I) communicates the risks of injury to large cetaceans to ocean users in a manner that is most likely to result in informed decision making regarding the mitigation of those risks; and

(J) minimizes additional stressors to large cetaceans as a result of the information available to ocean users.

(4) REPORTS.—

(A) PRELIMINARY REPORT.—

(i) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives, and make available to the public, a preliminary report on the pilot project.

(ii) ELEMENTS.—The report required by clause (i) shall include the following:

(I) A description of the monitoring methods and technology in use or planned for deployment under the pilot project.

(II) An analysis of the efficacy of the methods and technology in use or planned for deployment for detecting North Atlantic right whales.

(III) An assessment of the manner in which the monitoring system designed and deployed under paragraph (3) is directly informing and improving the management, health, and survival of North Atlantic right whales.

(IV) A prioritized identification of technology or research gaps.

(V) A plan to communicate the risks of injury to large cetaceans to ocean users in a manner that is most likely to result in informed decision making regarding the mitigation of such risks.

(VI) Any other information on the potential benefits and efficacy of the pilot project the Under Secretary considers appropriate.

(B) FINAL REPORT.—

(i) IN GENERAL.—Not later than 6 years after the date of the enactment of this Act, the Under Secretary, in coordination with the heads of other relevant Federal agencies, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives, and make available to the public, a final report on the pilot project.

(ii) ELEMENTS.—The report required by clause (i) shall—

(I) address the elements under subparagraph (A)(ii); and

(II) include—

(aa) an assessment of the benefits and efficacy of the pilot project;

(bb) a strategic plan to expand the pilot project to provide near real-time monitoring and mitigation measures—

(AA) to additional large cetaceans of concern for which such measures would reduce risk of serious injury or death; and

(BB) in important feeding, breeding, calving, rearing, or migratory habitats of large cetaceans that co-occur with areas of high risk of mortality or serious injury from vessel strikes or disturbance;

(cc) a budget and description of funds necessary to carry out such strategic plan;

(dd) a prioritized plan for acquisition, deployment, and maintenance of monitoring technologies; and

(ee) the locations or species to which such plan would apply.

(e) MITIGATION PROTOCOLS.—The Under Secretary, in consultation with the Secretary, the Secretary of Defense, the Secretary of Transportation, and the Secretary of the Interior, and with input from affected stakeholders, shall develop and deploy mitigation protocols that make use of the monitoring system designed and deployed under subsection (d)(3) to direct sector-specific mitigation measures that avoid and significantly reduce risk of serious injury and mortality to North Atlantic right whales.

(f) ACCESS TO DATA.—The Under Secretary shall provide access to data generated by the monitoring system designed and deployed under subsection (d)(3) for purposes of scientific research and evaluation and public awareness and education, including through the Right Whale Sighting Advisory System of the National Oceanic and Atmospheric Administration and WhaleMap or other successor public internet website portals, subject to review for national security considerations.

(g) ADDITIONAL AUTHORITY.—The Under Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this section on such terms as the Under Secretary considers appropriate, consistent with the Federal Acquisition Regulation.

(h) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

(i) FUNDING.—From funds otherwise appropriated to the Under Secretary, $5,000,000 for each of fiscal years 2023 through 2027 is authorized to support the development, deployment, application, and ongoing maintenance of the Program.

SEC. 5314. PILOT PROGRAM TO ESTABLISH A CETACEAN DESK FOR PUGET SOUND REGION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, with the concurrence of the Under Secretary, shall establish a pilot program to establish a Cetacean Desk, which shall be—

(A) located and manned within the Puget Sound Vessel Traffic Service; and

(B) designed—

(i) to improve coordination with the maritime industry to reduce the risk of vessel impacts to large cetaceans, including impacts from vessel strikes, disturbances, and other sources; and

(ii) to monitor the presence and location of large cetaceans during the months during which such large cetaceans are present in Puget Sound, the Strait of Juan de Fuca, and the United States portion of the Salish Sea.

(2) DURATION AND STAFFING.—The pilot program required by paragraph (1)—

(A) shall—

(i) be for a duration of 4 years; and

(ii) require not more than 1 full-time equivalent position, who shall also contribute to other necessary Puget Sound Vessel Traffic Service duties and responsibilities as needed; and

(B) may be supported by other existing Federal employees, as appropriate.

(b) ENGAGEMENT WITH VESSEL OPERATORS.—

(1) IN GENERAL.—Under the pilot program required by subsection (a), the Secretary shall require personnel of the Cetacean Desk to engage with vessel operators in areas where large cetaceans have been seen or could reasonably be present to ensure compliance with applicable laws, regulations, and voluntary guidance, to reduce the impact of vessel traffic on large cetaceans.

(2) CONTENTS.—In engaging with vessel operators as required by paragraph (1), personnel of the Cetacean Desk shall communicate where and when sightings of large cetaceans have occurred.

(c) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Under Secretary may enter into a memorandum of understanding to facilitate real-time sharing of data relating to large cetaceans between the Quiet Sound program of the State of Washington, the National Oceanic and Atmospheric Administration, and the Puget Sound Vessel Traffic Service, and other relevant entities, as appropriate.

(d) DATA.—The Under Secretary shall leverage existing data collection methods, the Program required by section 313, and public data to ensure accurate and timely information on the sighting of large cetaceans.

(e) CONSULTATIONS.—

(1) IN GENERAL.—In carrying out the pilot program required by subsection (a), the Secretary shall consult with Tribal governments, the State of Washington, institutions of higher education, the maritime industry, ports in the Puget Sound region, and nongovernmental organizations.

(2) COORDINATION WITH CANADA.—When appropriate, the Secretary shall coordinate with the Government of Canada, consistent with policies and agreements relating to management of vessel traffic in Puget Sound.

(f) PUGET SOUND VESSEL TRAFFIC SERVICE LOCAL VARIANCE AND POLICY.—The Secretary, with the concurrence of the Under Secretary and in consultation with the Captain of the Port for the Puget Sound region—

(1) shall implement local variances, as authorized by subsection (c) of section 70001 of title 46, United States Code, to reduce the impact of vessel traffic on large cetaceans; and

(2) may enter into cooperative agreements, in accordance with subsection (d) of that section, with Federal, State, and local officials to reduce the likelihood of vessel interactions with protected large cetaceans, which may include—

(A) communicating marine mammal protection guidance to vessels;

(B) training on requirements imposed by local, State, Tribal, and Federal laws and regulations and guidelines concerning—

(i) vessel buffer zones;

(ii) vessel speed;

(iii) seasonal no-go zones for vessels;

(iv) protected areas, including areas designated as critical habitat, as applicable to marine operations; and

(v) any other activities to reduce the direct and indirect impact of vessel traffic on large cetaceans;

(C) training to understand, utilize, and communicate large cetacean location data; and

(D) training to understand and communicate basic large cetacean detection, identification, and behavior, including—

(i) cues of the presence of large cetaceans such as spouts, water disturbances, breaches, or presence of prey;

(ii) important feeding, breeding, calving, and rearing habitats that co-occur with areas of high risk of vessel strikes;

(iii) seasonal large cetacean migration routes that co-occur with areas of high risk of vessel strikes; and

(iv) areas designated as critical habitat for large cetaceans.

(g) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter for the duration of the pilot program under this section, the Commandant, in coordination with the Under Secretary and the Administrator of the Maritime Administration, shall submit to the appropriate congressional committees a report that—

(1) evaluates the functionality, utility, reliability, responsiveness, and operational status of the Cetacean Desk established under the pilot program required by subsection (a), including a quantification of reductions in vessel strikes to large cetaceans as a result of the pilot program;

(2) assesses the efficacy of communication between the Cetacean Desk and the maritime industry and provides recommendations for improvements;

(3) evaluates the integration and interoperability of existing data collection methods, as well as public data, into the Cetacean Desk operations;

(4) assesses the efficacy of collaboration and stakeholder engagement with Tribal governments, the State of Washington, institutions of higher education, the maritime industry, ports in the Puget Sound region, and nongovernmental organizations; and

(5) evaluates the progress, performance, and implementation of guidance and training procedures for Puget Sound Vessel Traffic Service personnel.

SEC. 5315. MONITORING OCEAN SOUNDSCAPES.

(a) IN GENERAL.—The Under Secretary shall maintain and expand an ocean soundscape development program—

(1) to award grants to expand the deployment of Federal and non-Federal observing and data management systems capable of collecting measurements of underwater sound for purposes of monitoring and analyzing baselines and trends in the underwater soundscape to protect and manage marine life;

(2) to continue to develop and apply standardized forms of measurements to assess sounds produced by marine animals, physical processes, and anthropogenic activities; and

(3) after coordinating with the Secretary of Defense, to coordinate and make accessible to the public the datasets, modeling and analysis, and user-driven products and tools resulting from observations of underwater sound funded through grants awarded under paragraph (1).

(b) COORDINATION.—The program described in subsection (a) shall—

(1) include the Ocean Noise Reference Station Network of the National Oceanic and Atmospheric Administration and the National Park Service;

(2) use and coordinate with the Integrated Ocean Observing System; and

(3) coordinate with the Regional Ocean Partnerships and the Director of the United States Fish and Wildlife Service, as appropriate.

(c) PRIORITY.—In awarding grants under subsection (a), the Under Secretary shall consider the geographic diversity of the recipients of such grants.

(d) SAVINGS CLAUSE.—An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

(e) FUNDING.—From funds otherwise appropriated to the Under Secretary, $1,500,000 is authorized for each of fiscal years 2023 through 2028 to carry out this section.

Subtitle B—Oil Spills

SEC. 5321. IMPROVING OIL SPILL PREPAREDNESS.

The Under Secretary of Commerce for Oceans and Atmosphere shall include in the Automated Data Inquiry for Oil Spills database (or a successor database) used by National Oceanic and Atmospheric Administration oil weathering models new data, including peer-reviewed data, on properties of crude and refined oils, including data on diluted bitumen, as such data becomes publicly available.

SEC. 5322. WESTERN ALASKA OIL SPILL PLANNING CRITERIA.

(a) ALASKA OIL SPILL PLANNING CRITERIA PROGRAM.—

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§ 323. Western Alaska Oil Spill Planning Criteria Program

''(a) ESTABLISHMENT.—There is established within the Coast Guard a Western Alaska Oil Spill Planning Criteria Program (referred to in this section as the 'Program') to develop and administer the Western Alaska oil spill planning criteria.

''(b) PROGRAM MANAGER.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Commandant shall select a permanent civilian career employee through a competitive search process for a term of not less than 5 years to serve as the Western Alaska Oil Spill Criteria Program Manager (referred to in this section as the 'Program Manager')—

''(A) the primary duty of whom shall be to administer the Program; and

''(B) who shall not be subject to frequent or routine reassignment.

''(2) CONFLICTS OF INTEREST.—The individual selected to serve as the Program Manager shall not have conflicts of interest relating to entities regulated by the Coast Guard.

''(3) DUTIES.—

''(A) DEVELOPMENT OF GUIDANCE.—The Program Manager shall develop guidance for—

''(i) approval, drills, and testing relating to the Western Alaska oil spill planning criteria; and

''(ii) gathering input concerning such planning criteria from Federal agencies, State, local, and Tribal governments, and relevant industry and nongovernmental entities.

''(B) ASSESSMENTS.—Not less frequently than once every 5 years, the Program Manager shall—

''(i) assess whether such existing planning criteria adequately meet the needs of vessels operating in the geographic area; and

''(ii) identify methods for advancing response capability so as to achieve, with respect to a vessel, compliance with national planning criteria.

''(C) ONSITE VERIFICATIONS.—The Program Manager shall address the relatively small number and limited nature of verifications of response capabilities for vessel response plans by increasing, within the Seventeenth Coast Guard District, the quantity and frequency of onsite verifications of the providers identified in vessel response plans.

''(c) TRAINING.—The Commandant shall enhance the knowledge and proficiency of Coast Guard personnel with respect to the Program by—

''(1) developing formalized training on the Program that, at a minimum—

''(A) provides in-depth analysis of—

''(i) the national planning criteria described in part 155 of title 33, Code of Federal Regulations (or successor regulations);

''(ii) alternative planning criteria;

''(iii) Western Alaska oil spill planning criteria;

''(iv) Captain of the Port and Federal On-Scene Coordinator authorities related to activation of a vessel response plan;

''(v) the responsibilities of vessel owners and operators in preparing a vessel response plan for submission; and

''(vi) responsibilities of the Area Committee, including risk analysis, response capability, and development of alternative planning criteria;

''(B) explains the approval processes of vessel response plans that involve alternative planning criteria or Western Alaska oil spill planning criteria; and

''(C) provides instruction on the processes involved in carrying out the actions described in paragraphs (9)(D) and (9)(F) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)), including instruction on carrying out such actions—

''(i) in any geographic area in the United States; and

''(ii) specifically in the Seventeenth Coast Guard District; and

''(2) providing such training to all Coast Guard personnel involved in the Program.

''(d) DEFINITIONS.—In this section:

''(1) ALTERNATIVE PLANNING CRITERIA.—The term 'alternative planning criteria' means

criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (or successor regulations), for vessel response plans.

''(2) TRIBAL.—The term 'Tribal' means of or pertaining to an Indian Tribe or a Tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

''(3) VESSEL RESPONSE PLAN.—The term 'vessel response plan' means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)).

''(4) WESTERN ALASKA OIL SPILL PLANNING CRITERIA.—The term 'Western Alaska oil spill planning criteria' means the criteria required under paragraph (9) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

''323. Western Alaska Oil Spill Planning Criteria Program.''.

(b) WESTERN ALASKA OIL SPILL PLANNING CRITERIA.—

(1) AMENDMENT.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

''(9) ALTERNATIVE PLANNING CRITERIA PROGRAM.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ALTERNATIVE PLANNING CRITERIA.—The term 'alternative planning criteria' means criteria submitted under section 155.1065 or 155.5067 of title 33, Code of Federal Regulations (or successor regulations), for vessel response plans.

''(ii) PRINCE WILLIAM SOUND CAPTAIN OF THE PORT ZONE.—The term 'Prince William Sound Captain of the Port Zone' means the area described in section 3.85–15(b) of title 33, Code of Federal Regulations (or successor regulations).

''(iii) SECRETARY.—The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating.

''(iv) TRIBAL.—The term 'Tribal' means of or pertaining to an Indian Tribe or a Tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

''(v) VESSEL RESPONSE PLAN.—The term 'vessel response plan' means a plan required to be submitted by the owner or operator of a tank vessel or a nontank vessel under regulations issued by the President under paragraph (5).

''(vi) WESTERN ALASKA CAPTAIN OF THE PORT ZONE.—The term 'Western Alaska Captain of the Port Zone' means the area described in section 3.85–15(a) of title 33, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) REQUIREMENT.—Except as provided in subparagraph (I), for any part of the area of responsibility of the Western Alaska Captain of the Port Zone or the Prince William Sound Captain of the Port Zone in which the Secretary has determined that the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in that area, a response plan required under paragraph (5) with respect to a discharge of oil for such a vessel shall comply with the planning criteria established under subparagraph (D)(i).

''(C) RELATION TO NATIONAL PLANNING CRITERIA.—The planning criteria established under subparagraph (D)(i) shall, with respect to a discharge of oil from a vessel described in subparagraph (B), apply in lieu of any alternative planning criteria accepted for vessels operating in that area prior to the date on which the planning criteria under subparagraph (D)(i) are established.

''(D) ESTABLISHMENT OF PLANNING CRITERIA.—The President, acting through the Commandant in consultation with the Western Alaska Oil Spill Criteria Program Manager established under section 323 of title 14, United States Code—

''(i) shall establish—

''(I) Alaska oil spill planning criteria for a worst case discharge of oil, and a substantial threat of such a discharge, within any part of the area of responsibility of the Western Alaska Captain of the Port Zone or Prince William Sound Captain of the Port Zone in which the Secretary has determined that the national planning criteria established pursuant to this subsection are inappropriate for a vessel operating in that area; and

''(II) standardized submission, review, approval, and compliance verification processes for the planning criteria established under clause (i), including the quantity and frequency of drills and on-site verifications of vessel response plans accepted pursuant to those planning criteria; and

''(ii) may, as required to develop standards that adequately reflect the needs and capabilities of various locations within the Western Alaska Captain of the Port Zone, develop subregions in which the Alaska oil spill planning criteria referred to in clause (i)(I) may differ from such criteria for other subregions in the Western Alaska Captain of the Port Zone, provided that any such criteria for a subregion is not less stringent than the criteria required for a worst case discharge of oil, and a substantial threat of such a discharge, within any part of the applicable subregion.

''(E) INCLUSIONS.—

''(i) IN GENERAL.—The Western Alaska oil spill planning criteria established under subparagraph (D)(i) shall include planning criteria for the following:

''(I) Mechanical oil spill response resources that are required to be located within that area.

''(II) Response times for mobilization of oil spill response resources and arrival on the scene of a worst case discharge of oil, or substantial threat of such a discharge, occurring within that area.

''(III) Pre-identified vessels for oil spill response that are capable of operating in the ocean environment.

''(IV) Ensuring the availability of at least 1 oil spill removal organization that is classified by the Coast Guard and that—

''(aa) is capable of responding in all operating environments in that area;

''(bb) controls oil spill response resources of dedicated and nondedicated resources within that area, through ownership, contracts, agreements, or other means approved by the President, sufficient—

''(AA) to mobilize and sustain a response to a worst case discharge of oil; and

''(BB) to contain, recover, and temporarily store discharged oil;

''(cc) has pre-positioned oil spill response resources in strategic locations throughout that area in a manner that ensures the ability to support response personnel, marine operations, air cargo, or other related logistics infrastructure;

''(dd) has temporary storage capability using both dedicated and non-dedicated assets located within that area;

''(ee) has non-mechanical oil spill response resources, to be available under contracts, agreements, or other means approved by the President, capable of responding to a discharge of persistent oil and a discharge of nonpersistent oil, whether the discharged oil was carried by a vessel as fuel or cargo; and

''(ff) considers availability of wildlife response resources for primary, secondary, and tertiary responses to support carcass collection, sampling, deterrence, rescue, and rehabilitation of birds, sea turtles, marine mammals, fishery resources, and other wildlife.

''(V) With respect to tank barges carrying nonpersistent oil in bulk as cargo, oil spill response resources that are required to be carried on board.

''(VI) Specifying a minimum length of time that approval of a response plan under this paragraph is valid.

''(VII) Managing wildlife protection and rehabilitation, including identified wildlife protection and rehabilitation resources in that area.

''(ii) ADDITIONAL CONSIDERATIONS.—The Commandant may consider criteria regarding—

''(I) vessel routing measures consistent with international routing measure deviation protocols; and

''(II) maintenance of real-time continuous vessel tracking, monitoring, and engagement protocols with the ability to detect and address vessel operation anomalies.

''(F) REQUIREMENT FOR APPROVAL.—The President may approve a response plan for a vessel under this paragraph only if the owner or operator of the vessel demonstrates the availability of the oil spill response resources required to be included in the response plan under the planning criteria established under subparagraph (D)(i).

''(G) PERIODIC AUDITS.—The Secretary shall conduct periodic audits to ensure compliance of vessel response plans and oil spill removal organizations within the Western Alaska Captain of the Port Zone and the Prince William Sound Captain of the Port Zone with the planning criteria under subparagraph (D)(i).

''(H) REVIEW OF DETERMINATION.—Not less frequently than once every 5 years, the Secretary shall review each determination of the Secretary under subparagraph (B) that the national planning criteria are inappropriate for a vessel operating in the area of responsibility of the Western Alaska Captain of the Port Zone and the Prince William Sound Captain of the Port Zone.

''(I) VESSELS IN COOK INLET.—Unless otherwise authorized by the Secretary, a vessel may only operate in Cook Inlet, Alaska, under a vessel response plan that meets the requirements of the national planning criteria established pursuant to paragraph (5).

''(J) SAVINGS PROVISIONS.—Nothing in this paragraph affects—

''(i) the requirements under this subsection applicable to vessel response plans for vessels operating within the area of responsibility of the Western Alaska Captain of the Port Zone, within Cook Inlet, Alaska;

''(ii) the requirements under this subsection applicable to vessel response plans for vessels operating within the area of responsibility of the Prince William Sound Captain of the Port Zone under section 5005 of the Oil Pollution Act of 1990 (33 U.S.C. 2735); or

''(iii) the authority of a Federal On-Scene Coordinator to use any available resources when responding to an oil spill.''.

(2) ESTABLISHMENT OF ALASKA OIL SPILL PLANNING CRITERIA.—

(A) DEADLINE.—Not later than 2 years after the date of the enactment of this Act, the President shall establish the planning criteria required to be established under paragraph (9)(D)(i) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

(B) CONSULTATION.—In establishing the planning criteria described in subparagraph

(B), the President shall consult with the Federal, State, local, and Tribal agencies and the owners and operators that would be subject to those planning criteria, and with oil spill removal organizations, Alaska Native organizations, and environmental nongovernmental organizations located within the State of Alaska.

(C) CONGRESSIONAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the status of implementation of paragraph (9) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

SEC. 5323. ACCIDENT AND INCIDENT NOTIFICATION RELATING TO PIPELINES.

(a) REPEAL.—Subsection (c) of section 9 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (49 U.S.C. 60117 note; Public Law 112–90) is repealed.

(b) APPLICATION.—Section 9 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (49 U.S.C. 60117 note; Public Law 112–90) shall be applied and administered as if the subsection repealed by subsection (a) had never been enacted.

SEC. 5324. COAST GUARD CLAIMS PROCESSING COSTS.

Section 1012(a)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)) is amended by striking ''damages;'' and inserting ''damages, including, in the case of a spill of national significance that results in extraordinary Coast Guard claims processing activities, the administrative and personnel costs of the Coast Guard to process those claims (including the costs of commercial claims processing, expert services, training, and technical services), subject to the condition that the Coast Guard shall submit to Congress a report describing the spill of national significance not later than 30 days after the date on which the Coast Guard determines it necessary to process those claims;''.

SEC. 5325. CALCULATION OF INTEREST ON DEBT OWED TO THE NATIONAL POLLUTION FUND.

Section 1005(b)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2705(b)(4)) is amended—

(1) by striking ''The interest paid'' and inserting the following:

''(A) IN GENERAL.—The interest paid for claims, other than Federal Government cost recovery claims,''; and

(2) by adding at the end the following:

''(B) FEDERAL COST RECOVERY CLAIMS.—The interest paid for Federal Government cost recovery claims under this section shall be calculated in accordance with section 3717 of title 31, United States Code.''.

SEC. 5326. PER-INCIDENT LIMITATION.

Subparagraph (A) of section 9509(c)(2) of the Internal Revenue Code of 1986 is amended—

(1) in clause (i), by striking ''$1,000,000,000'' and inserting ''$1,500,000,000'';

(2) in clause (ii), by striking ''$500,000,000'' and inserting ''$750,000,000''; and

(3) in the heading, by striking ''$1,000,000,000'' and inserting ''$1,500,000,000''.

SEC. 5327. ACCESS TO THE OIL SPILL LIABILITY TRUST FUND.

Section 6002 of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended by striking subsection (b) and inserting the following:

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—Subsection (a) shall not apply to—

''(A) section 1006(f), 1012(a)(4), or 5006; or

''(B) an amount, which may not exceed $50,000,000 in any fiscal year, made available by the President from the Fund—

''(i) to carry out section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)); and

''(ii) to initiate the assessment of natural resources damages required under section 1006.

''(2) FUND ADVANCES.—

''(A) IN GENERAL.—To the extent that the amount described in subparagraph (B) of paragraph (1) is not adequate to carry out the activities described in that subparagraph, the Coast Guard may obtain 1 or more advances from the Fund as may be necessary, up to a maximum of $100,000,000 for each advance, with the total amount of advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986.

''(B) NOTIFICATION TO CONGRESS.—Not later than 30 days after the date on which the Coast Guard obtains an advance under subparagraph (A), the Coast Guard shall notify Congress of—

''(i) the amount advanced; and

''(ii) the facts and circumstances that necessitated the advance.

''(C) REPAYMENT.—Amounts advanced under this paragraph shall be repaid to the Fund when, and to the extent that, removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.

''(3) AVAILABILITY.—Amounts to which this subsection applies shall remain available until expended.''.

SEC. 5328. COST-REIMBURSABLE AGREEMENTS.

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) in subsection (a)(1)(B), by striking ''by a Governor or designated State official'' and inserting ''by a State, a political subdivision of a State, or an Indian tribe, pursuant to a cost-reimbursable agreement'';

(2) by striking subsections (d) and (e) and inserting the following:

''(d) COST-REIMBURSABLE AGREEMENT.—

''(1) IN GENERAL.—In carrying out section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)), the President may enter into cost-reimbursable agreements with a State, a political subdivision of a State, or an Indian tribe to obligate the Fund for the payment of removal costs consistent with the National Contingency Plan.

''(2) INAPPLICABILITY.—Neither section 1535 of title 31, United States Code, nor chapter 63 of that title shall apply to a cost-reimbursable agreement entered into under this subsection.''; and

(3) by redesignating subsections (f), (h), (i), (j), (k), and (l) as subsections (e), (f), (g), (h), (i), and (j), respectively.

SEC. 5329. OIL SPILL RESPONSE REVIEW.

(a) IN GENERAL.—Subject to the availability of appropriations, the Commandant shall develop and carry out a program—

(1) to increase collection and improve the quality of incident data on oil spill location and response capability by periodically evaluating the data, documentation, and analysis of—

(A) Coast Guard-approved vessel response plans, including vessel response plan audits and assessments;

(B) oil spill response drills conducted under section 311(j)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(7)) that occur within the Marine Transportation System; and

(C) responses to oil spill incidents that require mobilization of contracted response resources;

(2) to update, not less frequently than annually, information contained in the Coast Guard Response Resource Inventory and other Coast Guard tools used to document the availability and status of oil spill response equipment, so as to ensure that such information remains current; and

(3) subject to section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), to make data collected under paragraph (1) available to the public.

(b) POLICY.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall issue a policy—

(1) to establish processes to maintain the program under subsection (a) and support Coast Guard oil spill prevention and response activities, including by incorporating oil spill incident data from after-action oil spill reports and data ascertained from vessel response plan exercises and audits into—

(A) review and approval process standards and metrics;

(B) Alternative Planning Criteria (APC) review processes;

(C) Area Contingency Plan (ACP) development;

(D) risk assessments developed under section 70001 of title 46, United States Code, including lessons learned from reportable marine casualties;

(E) mitigating the impact of military personnel rotations in Coast Guard field units on knowledge and awareness of vessel response plan requirements, including knowledge relating to the evaluation of proposed alternatives to national planning requirements; and

(F) evaluating the consequences of reporting inaccurate data in vessel response plans submitted to the Commandant pursuant to part 300 of title 40, Code of Federal Regulations, and submitted for storage in the Marine Information for Safety and Law Enforcement database pursuant to section 300.300 of that title (or any successor regulation);

(2) to standardize and develop tools, training, and other relevant guidance that may be shared with vessel owners and operators to assist with accurately calculating and measuring the performance and viability of proposed alternatives to national planning criteria requirements and Area Contingency Plans under the jurisdiction of the Coast Guard;

(3) to improve training of Coast Guard personnel to ensure continuity of planning activities under this section, including by identifying ways in which civilian staffing may improve the continuity of operations; and

(4) to increase Federal Government engagement with State, local, and Tribal governments and stakeholders so as to strengthen coordination and efficiency of oil spill responses.

(c) PERIODIC UPDATES.—Not less frequently than every 5 years, the Commandant shall update the processes established under subsection (b)(1) to incorporate relevant analyses of—

(1) incident data on oil spill location and response quality;

(2) oil spill risk assessments;

(3) oil spill response effectiveness and the effects of such response on the environment;

(4) oil spill response drills conducted under section 311(j)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(7));

(5) marine casualties reported to the Coast Guard; and

(6) near miss incidents documented by a Vessel Traffic Service Center (as such terms are defined in section 70001(m) of title 46, United States Code).

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the status of ongoing and planned efforts to improve the effectiveness and oversight of the vessel response program.

(2) PUBLIC AVAILABILITY.—The Commandant shall publish the report required by

subparagraph (A) on a publicly accessible internet website of the Coast Guard.

SEC. 5330. REVIEW AND REPORT ON LIMITED INDEMNITY PROVISIONS IN STANDBY OIL SPILL RESPONSE CONTRACTS.

(a) 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 the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the effects of removing limited indemnity provisions from Coast Guard oil spill response contracts entered into by the President (or a delegate) under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)).

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

(1) An assessment of the adequacy of contracts described in that subsection in meeting the needs of the United States to carry out oil spill cleanups under the National Contingency Plan (as defined in section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)) during the period beginning in 2009 and ending in 2014 with respect to those contracts that included limited indemnity provisions for oil spill response organizations.

(2) A review of the costs incurred by the Coast Guard, the Oil Spill Liability Trust Fund established by section 9509(a) of the Internal Revenue Code of 1986, and the Federal Government to cover the indemnity provisions provided to oil spill response organizations during the period described in paragraph (1).

(3) An assessment of the adequacy of contracts described in that subsection in meeting the needs of the United States to carry out oil spill cleanups under the National Contingency Plan (as so defined) after limited indemnity provisions for oil spill response organizations were removed from those contracts in 2014.

(4) An assessment of the impact that the removal of limited indemnity provisions described in paragraph (3) has had on the ability of oil spill response organizations to enter into contracts described in that subsection.

(5) An assessment of the ability of the Oil Spill Liability Trust Fund established by section 9509(a) of the Internal Revenue Code of 1986, to cover limited indemnity provided to a contractor for liabilities and expenses incidental to the containment or removal of oil arising out of the performance of a contract that is substantially identical to the terms contained in subsections (d)(2) through (h) of section H.4 of the contract offered by the Coast Guard in the solicitation numbered DTCG89–98–A–68F953 and dated November 17, 1998.

SEC. 5331. ADDITIONAL EXCEPTIONS TO REGULATIONS FOR TOWING VESSELS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall review existing Coast Guard policies with respect to exceptions to the applicability of subchapter M of chapter I of title 46, Code of Federal Regulations (or successor regulations), for—

(1) an oil spill response vessel, or a vessel of opportunity, while such vessel is—

(A) towing boom for oil spill response; or

(B) participating in an oil response exercise; and

(2) a fishing vessel while that vessel is operating as a vessel of opportunity.

(b) POLICY.—Not later than 180 days after the conclusion of the review required by subsection (a), the Secretary shall revise or issue any necessary policy to clarify the applicability of subchapter M of chapter I of title 46, Code of Federal Regulations (or successor regulations) to the vessels described in subsection (a). Such a policy shall ensure safe and effective operation of such vessels.

(c) DEFINITIONS.—In this section:

(1) FISHING VESSEL; OIL SPILL RESPONSE VESSEL.—The terms ''fishing vessel'' and ''oil spill response vessel'' have the meanings given such terms in section 2101 of title 46, United States Code.

(2) VESSEL OF OPPORTUNITY.—The term ''vessel of opportunity'' means a vessel engaged in spill response activities that is normally and substantially involved in activities other than spill response and not a vessel carrying oil as a primary cargo.

Subtitle C—Environmental Compliance

SEC. 5341. REVIEW OF ANCHORAGE REGULATIONS.

(a) REGULATORY REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a review of existing anchorage regulations or other rules, which review shall include—

(1) identifying any such regulations or rules that may need modification or repeal in the interest of marine safety, security, environmental, and economic concerns, taking into account undersea pipelines, cables, or other infrastructure; and

(2) completing a cost-benefit analysis for any modification or repeal identified under paragraph (1).

(b) BRIEFING.—Upon completion of the review under subsection (a), but not later than 2 years after the date of enactment of this Act, the Secretary shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that summarizes the review.

SEC. 5342. STUDY ON IMPACTS ON SHIPPING AND COMMERCIAL, TRIBAL, AND RECREATIONAL FISHERIES FROM THE DEVELOPMENT OF RENEWABLE ENERGY ON THE WEST COAST.

(a) DEFINITIONS.—In this section:

(1) COVERED WATERS.—The term ''covered waters'' means Federal or State waters off of the Canadian border and out to the furthest extent of the exclusive economic zone.

(2) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' has the meaning given that term in section 107 of title 46, United States Code.

(b) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, and the Under Secretary of Commerce for Oceans and Atmosphere, shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to—

(1) identify, document, and analyze—

(A) historic and current, as of the date of the study, Tribal, commercial, and recreational fishing grounds, as well as areas where fish stocks are likely to shift in the future, in all covered waters;

(B) usual and accustomed fishing areas in all covered waters;

(C) historic, current, and potential future shipping lanes, based on projected growth in shipping traffic in all covered waters; and

(D) key data needed to properly site renewable energy sites on the West Coast;

(2) analyze—

(A) methods used to manage fishing, shipping, and other maritime activities; and

(B) how those activities could be impacted by the placement of renewable energy infrastructure and the associated construction, maintenance, and operation of such infrastructure; and

(3) provide recommendations on appropriate areas for renewable energy sites and outline a comprehensive approach to include all impacted coastal communities, particularly Tribal governments and fisheries communities, in the decision-making process.

(c) SUBMISSION.—Not later than 1 year after commencing the study under subsection (b), the Secretary shall—

(1) submit the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, including all recommendations provided under subsection (b)(3); and

(2) make the study publicly available.

Subtitle D—Environmental Issues

SEC. 5351. MODIFICATIONS TO THE SPORT FISH RESTORATION AND BOATING TRUST FUND ADMINISTRATION.

(a) DINGELL-JOHNSON SPORT FISH RESTORATION ACT AMENDMENTS.—

(1) AVAILABLE AMOUNTS.—Section 4(b)(1)(B)(i) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(1)(B)(i)) is amended by striking subclause (I) and inserting the following:

''(I) the product obtained by multiplying—

''(aa) $12,786,434; and

''(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor; and''.

(2) AUTHORIZED EXPENSES.—Section 9(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(a)) is amended—

(A) in paragraph (7), by striking ''full-time''; and

(B) in paragraph (9), by striking ''on a full-time basis''.

(b) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT AMENDMENTS.—

(1) AVAILABLE AMOUNTS.—Section 4(a)(1)(B)(i) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)(B)(i)) is amended by striking subclause (I) and inserting the following:

''(I) the product obtained by multiplying—

''(aa) $12,786,434; and

''(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor; and''.

(2) AUTHORIZED EXPENSES.—Section 9(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(a)) is amended—

(A) in paragraph (7), by striking ''full-time''; and

(B) in paragraph (9), by striking ''on a full-time basis''.

SEC. 5352. IMPROVEMENTS TO COAST GUARD COMMUNICATION WITH NORTH PACIFIC MARITIME AND FISHING INDUSTRY.

(a) RESCUE 21 SYSTEM IN ALASKA.—

(1) UPGRADES.—The Commandant shall ensure the timely upgrade of the Rescue 21 system in Alaska so as to achieve, not later than August 30, 2023, 98 percent operational availability of remote fixed facility sites.

(2) PLAN TO REDUCE OUTAGES.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall develop an operations and maintenance plan for the Rescue 21 system in Alaska that anticipates maintenance needs so as to reduce Rescue 21 system outages to the maximum extent practicable.

(B) PUBLIC AVAILABILITY.—The plan required by subparagraph (A) shall be made available to the public on a publicly accessible internet website.

(3) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) contains a plan for the Coast Guard to notify mariners of radio outages for towers owned and operated by the Seventeenth Coast Guard District;

(B) addresses in such plan how the Seventeenth Coast Guard will—

(i) disseminate updates regarding outages on social media not less frequently than every 48 hours;

(ii) provide updates on a publicly accessible website not less frequently than every 48 hours;

(iii) develop methods for notifying mariners in areas in which cellular connectivity does not exist; and

(iv) develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(C) identifies technology gaps necessary to implement the plan and provides a budgetary assessment necessary to implement the plan.

(4) CONTINGENCY PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant, in collaboration with relevant Federal and State entities (including the North Pacific Fishery Management Council, the National Oceanic and Atmospheric Administration Weather Service, the National Oceanic and Atmospheric Administration Fisheries Service, agencies of the State of Alaska, local radio stations, and stakeholders), shall establish a contingency plan to ensure that notifications of an outage of the Rescue 21 system in Alaska are broadly disseminated in advance of such outage.

(B) ELEMENTS.—The plan required by subparagraph (A) shall require the Coast Guard—

(i) to disseminate updates regarding outages on social media not less frequently than every 48 hours during an outage;

(ii) to provide updates on a publicly accessible website not less frequently than every 48 hours during an outage;

(iii) to notify mariners in areas in which cellular connectivity does not exist;

(iv) to develop and advertise a web-based communications update hub on AM/FM radio for mariners; and

(v) to identify technology gaps that need to be addressed in order to implement the plan, and to provide a budgetary assessment necessary to implement the plan.

(b) IMPROVEMENTS TO COMMUNICATION WITH THE FISHING INDUSTRY AND RELATED STAKEHOLDERS.—

(1) IN GENERAL.—The Commandant, in coordination with the National Commercial Fishing Safety Advisory Committee established by section 15102 of title 46, United States Code, shall develop a publicly accessible internet website that contains all Coast Guard-related information relating to the fishing industry, including safety information, inspection and enforcement requirements, hazards, training, regulations (including proposed regulations), Rescue 21 system outages and similar outages, and any information regarding fishing-related activities under the jurisdiction of the Coast Guard.

(2) AUTOMATIC COMMUNICATIONS.—The Commandant shall provide methods for regular and automatic email communications with stakeholders who elect, through the internet website developed under paragraph (1), to receive such communications.

(c) ADVANCE NOTIFICATION OF MILITARY OR OTHER EXERCISES.—In consultation with the Secretary of Defense, the Secretary of State, and commercial fishing industry participants, the Commandant shall develop and publish on a publicly available internet website a plan for notifying United States mariners and the operators of United States fishing vessels in advance of—

(1) military exercises in the exclusive economic zone of the United States (as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)); or

(2) other military activities that will impact recreational or commercial activities.

SEC. 5353. FISHING SAFETY TRAINING GRANTS PROGRAM.

Section 4502(i)(4) of title 46, United States Code, is amended by striking ''2018 through 2021'' and inserting ''2023 through 2025''.

SEC. 5354. LOAD LINES.

(a) DEFINITION OF COVERED FISHING VESSEL.—In this section, the term ''covered fishing vessel'' means a vessel that operates exclusively in one, or both, of the Thirteenth and Seventeenth Coast Guard Districts and that—

(1) was constructed, under construction, or under contract to be constructed as a fish tender vessel before January 1, 1980;

(2) was converted for use as a fish tender vessel before January 1, 2022, and—

(A) the vessel has a current stability letter issued in accordance with regulations prescribed under chapter 51 of title 46, United States Code; and

(B) the hull and internal structure of the vessel has been verified as suitable for intended service as examined by a marine surveyor of an organization accepted by the Secretary 2 times in the 5 years preceding the date of the determination under this subsection, with no interval of more than 3 years between such examinations; or

(3) operates part-time as a fish tender vessel for a period of less than 180 days.

(b) APPLICATION TO CERTAIN VESSELS.—During the period beginning on the date of enactment of this Act and ending on the date that is 3 years after the date on which the report required under subsection (c) is submitted, the load line requirements of chapter 51 of title 46, United States Code, shall not apply to covered fishing vessels.

(c) GAO REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) a report on the safety and seaworthiness of vessels referenced in section 5102(b)(5) of title 46, United States Code; and

(B) recommendations for exempting certain vessels from the load line requirements under chapter 51 of title 46 of such Code.

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

(A) An assessment of stability requirements of vessels referenced in section 5102(b)(5) of title 46, United States Code.

(B) An analysis of vessel casualties, mishaps, or other safety information relevant to load line requirements when a vessel is operating part-time as a fish tender vessel.

(C) An assessment of any other safety information as the Comptroller General determines appropriate.

(D) A list of all vessels that, as of the date of the report—

(i) are covered under section 5102(b)(5) of title 46, United States Code;

(ii) are acting as part-time fish tender vessels; and

(iii) are subject to any captain of the port zone subject to the oversight of the Commandant.

(3) CONSULTATION.—In preparing the report required under paragraph (1), the Comptroller General shall consider consultation with, at a minimum, the maritime industry, including—

(A) relevant Federal, State, and Tribal maritime associations and groups; and

(B) relevant federally funded research institutions, nongovernmental organizations, and academia.

(d) APPLICABILITY.—Nothing in this section shall limit any authority available, as of the date of enactment of this Act, to the captain of a port with respect to safety measures or any other authority as necessary for the safety of covered fishing vessels.

SEC. 5355. ACTIONS BY NATIONAL MARINE FISHERIES SERVICE TO INCREASE ENERGY PRODUCTION.

(a) IN GENERAL.—The National Marine Fisheries Service shall, immediately upon the enactment of this Act, take action to address the outstanding backlog of letters of authorization for the Gulf of Mexico.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the National Marine Fisheries Service should—

(1) take immediate action to issue a rule that allows the Service to approve outstanding and future applications for letters of authorization consistent with the Service's permitting activities; and

(2) on or after the effective date of the rule, prioritize the consideration of applications in a manner that is consistent with applicable Federal law.

Subtitle E—Illegal Fishing and Forced Labor Prevention

SEC. 5361. DEFINITIONS.

In this subtitle:

(1) 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.

(2) 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).

(3) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—The term ''illegal, unreported, or unregulated fishing'' has the meaning given such term in the implementing regulations or any subsequent regulations issued pursuant to section 609(e) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(e)).

(4) 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).

(5) SEAFOOD.—The term ''seafood'' means 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 in subpart Q of part 300 of title 50, Code of Federal Regulations (or any successor regulation).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

CHAPTER 1—COMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

SEC. 5362. 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. Such strategy shall

prioritize the use of enumerated data types, such as checkboxes, dropdown menus, or radio buttons, and any additional elements the Administrator of the National Oceanic and Atmospheric Administration finds appropriate.

SEC. 5363. DATA SHARING AND AGGREGATION.

(a) INTERAGENCY WORKING GROUP ON ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—Section 3551(c) of the Maritime SAFE Act (16 U.S.C. 8031(c)) is amended—

(1) by redesignating paragraphs (4) through (13) as paragraphs (5) through (14), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) maximizing the utility of the import data collected by the members of the Working Group by harmonizing data standards and entry fields;''.

(b) PROHIBITION ON AGGREGATED CATCH DATA FOR CERTAIN SPECIES.—Beginning not later than 1 year after the date of enactment of this Act, for the purposes of compliance with respect to Northern red snapper under the Seafood Import Monitoring Program, the Secretary may not allow an aggregated harvest report of such species, regardless of vessel size.

SEC. 5364. 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 covered by the Seafood Import Monitoring Program with respect to a given year.

(b) EXPANSION OF MARINE FORENSICS LABORATORY.—The Secretary shall, not later than 1 year after the date of enactment of this Act, begin the process of expanding the National Oceanic and Atmospheric Administration's Marine Forensics Laboratory, including by establishing sufficient capacity for the development and deployment of rapid, and follow-up, analysis of field-based tests focused on identifying Seafood Import Monitoring Program species, and prioritizing such species at high risk of illegal, unreported, or unregulated fishing and seafood fraud.

(c) ANNUAL REVISION.—In developing the procedures required in subsection (a), the Secretary shall use predictive analytics to inform whether to revise such procedures to prioritize for audit those imports originating from nations—

(1) identified pursuant to section 609(a) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a) or 1826k(a)) that have not yet received a subsequent positive certification pursuant to section 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 nations or regional fisheries management organizations as engaging in illegal, unreported, or unregulated fishing;

(3) identified as having human trafficking or forced labor in any part of the seafood supply chain, including on vessels flagged in such nation, 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 under section 3563 of the Maritime SAFE Act (Public Law 116–92).

SEC. 5365. AVAILABILITY OF FISHERIES INFORMATION.

Section 402(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)(1)) is amended—

(1) in subparagraph (G), by striking ''or'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(I) to Federal agencies, to the extent necessary and appropriate, to administer Federal programs established to combat illegal, unreported, or unregulated fishing (as defined in section 5361 of the Coast Guard Authorization Act of 2022) or forced labor (as defined in section 5361 of the Coast Guard Authorization Act of 2022), which shall not include an authorization for such agencies to release data to the public unless such release is related to enforcement.''.

SEC. 5366. REPORT ON SEAFOOD IMPORT MONITORING PROGRAM.

(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 Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives 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 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, 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 the Seafood Import Monitoring 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;

(8) the additional tools, such as high performance computing and associated costs, that the Secretary needs to improve the efficacy of the Seafood Import Monitoring Program; and

(9) such other information as the Secretary considers appropriate with respect to monitoring and enforcing compliance with the Seafood Import Monitoring Program.

SEC. 5367. 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 of 1930 (19 U.S.C. 1307) $20,000,000 for each of fiscal years 2023 through 2027.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

SEC. 5370. DENIAL OF PORT PRIVILEGES.

Section 101(a)(2) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(a)(2)) is amended to read as follows:

''(2) DENIAL OF PORT PRIVILEGES.—The Secretary of Homeland Security shall—

''(A) withhold or revoke the clearance required by section 60105 of title 46, United States Code, for any large-scale driftnet fishing vessel of a nation that receives a negative certification under section 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d) or 1826k(c)), or fishing vessels of a nation that has been listed pursuant to section 609(b) or section 610(a) of such Act (16 U.S.C. 1826j(b) or 1826k(a)) in 2 or more consecutive reports for the same type of fisheries activity, as described under section 607 of such Act (16 U.S.C. 1826h), until a positive certification has been received;

''(B) withhold or revoke the clearance required by section 60105 of title 46, United States Code, for fishing vessels of a nation that has been listed pursuant to section 609(a) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a) or 1826k(a)) in 2 or more consecutive reports as described under section 607 of such Act (16 U.S.C. 1826h); and

''(C) deny entry of that vessel to any place in the United States and to the navigable waters of the United States, except for the purposes of inspecting such vessel, conducting an investigation, or taking other appropriate enforcement action.''.

SEC. 5371. IDENTIFICATION AND CERTIFICATION CRITERIA.

(a) DENIAL OF PORT PRIVILEGES.—Section 609(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(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. In determining which nations to list in such report, the Secretary shall consider the following:

''(A) Any nation that is violating, or has violated at any point during the 3 years preceding the date of the determination, conservation and management measures, including catch and other data reporting obligations and requirements, required under an international fishery management agreement to which the United States is a party.

''(B) Any nation that is failing, or has failed in the 3-year period preceding the date of the determination, to effectively address or regulate illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing.

''(C) Any nation that fails to discharge duties incumbent upon it to which legally obligated as a flag, port, or coastal state to take action to prevent, deter, and eliminate illegal, unreported, or unregulated fishing.

''(D) Any nation that has been identified as producing for export to the United States seafood-related goods through forced labor or oppressive child labor (as those terms are defined in section 5361 of the Coast Guard Authorization Act of 2022) 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

(2) by adding at the end the following:

''(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 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j) is amended in subsection (d), by striking paragraph (3) and inserting the following:

''(3) EFFECT OF CERTIFICATION DETERMINATION.—

''(A) EFFECT OF NEGATIVE CERTIFICATION.—The provisions of subsection (a), and paragraphs (3) and (4) of subsection (b), 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 notified 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 subsection (a), and paragraphs (3) and (4) of subsection (b), 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. 5372. EQUIVALENT CONSERVATION MEASURES.

(a) IDENTIFICATION.—Section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)) is 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 nation is engaged, or has been engaged during the 3 years preceding the date of the determination, in fishing activities or practices on the high seas or within the exclusive economic zone of any nation, 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 in effectiveness to the regulatory program of the United States, taking into account differing conditions; and

''(B) a nation if—

''(i) any fishing vessel of that nation is engaged, or has engaged during the 3 years preceding the date of the determination, in fishing activities on the high seas or within the exclusive economic zone of another nation 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)) is 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 practicable, the President and nations that are engaged in, or that have any fishing vessels engaged in, fishing activities or practices described in subsection (a), about the provisions of this Act;

''(2) initiate discussions as soon as practicable with all foreign nations that 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 nations to protect such species and to address any underlying failings or gaps that may have contributed to identification under this Act; and

''(3) 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)) is amended—

(1) in paragraph (2), by inserting ''the public and'' after ''comment by''; and

(2) 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)) is amended by striking paragraph (1) and inserting the following:

''(1) except as provided in paragraph (2), means nontarget fish, sea turtles, 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); 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. 5373. CAPACITY BUILDING IN FOREIGN FISHERIES.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the heads of other Federal agencies, as appropriate, shall develop and carry out with partner governments and civil society—

(1) multi-year coastal and marine resource related international cooperation agreements and projects; and

(2) multi-year capacity-building projects for implementing measures to address illegal, unreported, or unregulated fishing, fraud, forced labor, bycatch, and other conservation measures.

(b) CAPACITY BUILDING.—Section 3543(d) of the Maritime SAFE Act (16 U.S.C. 8013(d)) is amended—

(1) in the matter preceding paragraph (1), by striking ''as appropriate,''; and

(2) in paragraph (3), by striking ''as appropriate'' and inserting ''for all priority regions identified by the Working Group''.

(c) REPORTS.—Section 3553 of the Maritime SAFE Act (16 U.S.C. 8033) is amended—

(1) in paragraph (7), by striking ''and'' after the semicolon;

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

(3) by adding at the end the following:

''(9) the status of work with global enforcement partners.''.

SEC. 5374. TRAINING OF UNITED STATES OBSERVERS.

Section 403(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881b(b)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) ensure that each observer has received training to identify indicators of forced labor (as defined in section 5361 of the Coast Guard Authorization Act of 2022) and human trafficking (as defined in section 5361 of the Coast Guard Authorization Act of 2022) and refer this information to appropriate authorities; and''.

SEC. 5375. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as may be necessary to carry out this title.

SEC. 5376. USE OF DEVICES BROADCASTING ON AIS FOR PURPOSES OF MARKING FISHING GEAR.

The Secretary of the department in which the Coast Guard is operating shall, within the Eleventh Coast Guard District. Thirteenth Coast Guard District, Fourteenth Coast Guard District, and Seventeenth Coast Guard District, suspend enforcement of individuals using automatic identification systems devices to mark fishing equipment during the period beginning on the date of enactment of this Act and ending on the earlier of—

(1) the date that is 2 years after such date of enactment; and

(2) the date the Federal Communications Commission promulgates a final rule to authorize a device used to mark fishing equipment to operate in radio frequencies assigned for Automatic Identification System stations.

TITLE LIV—SUPPORT FOR COAST GUARD WORKFORCE

Subtitle A—Support for Coast Guard Members and Families

SEC. 5401. COAST GUARD CHILD CARE IMPROVEMENTS.

(a) FAMILY DISCOUNT FOR CHILD DEVELOPMENT SERVICES.—Section 2922(b)(2) of title 14, United States Code, is amended by adding at the end the following:

''(D) In the case of an active duty member with two or more children attending a Coast Guard child development center, the Commandant may modify the fees to be charged for attendance for the second and any subsequent child of such member by an amount that is 15 percent less than the amount of the fee otherwise chargeable for the attendance of the first such child enrolled at the center, or another fee as the Commandant determines appropriate, consistent with multiple children.''.

(b) CHILD DEVELOPMENT CENTER STANDARDS AND INSPECTIONS.—Section 2923(a) of title 14, United States Code, is amended to read as follows:

''(a) STANDARDS.—The Commandant shall require each Coast Guard child development center to meet standards of operation—

''(1) that the Commandant considers appropriate to ensure the health, safety, and welfare of the children and employees at the center; and

''(2) necessary for accreditation by an appropriate national early childhood programs accrediting entity.''.

(c) CHILD CARE SUBSIDY PROGRAM.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—Subchapter II of chapter 29 of title 14, United States Code, is amended by adding at the end the following:

"§ 2927. Child care subsidy program

''(a) AUTHORITY.—The Commandant may operate a child care subsidy program to provide financial assistance to eligible providers that provide child care services or youth program services to members of the Coast Guard, members of the Coast Guard with dependents who are participating in the child care subsidy program, and any other individual the Commandant considers appropriate, if—

''(1) providing such financial assistance—

''(A) is in the best interests of the Coast Guard; and

''(B) enables supplementation or expansion of the provision of Coast Guard child care services, while not supplanting or replacing Coast Guard child care services; and

''(2) the Commandant ensures, to the extent practicable, that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards applicable to Coast Guard child care services.

''(b) ELIGIBLE PROVIDERS.—A provider of child care services or youth program services is eligible for financial assistance under this section if the provider—

''(1) is licensed to provide such services under applicable State and local law;

''(2) is registered in an au pair program of the Department of State;

''(3) is a family home daycare; or

''(4) is a provider of family child care services that—

''(A) otherwise provides federally funded or federally sponsored child development services;

''(B) provides such services in a child development center owned and operated by a private, not-for-profit organization;

''(C) provides a before-school or after-school child care program in a public school facility;

''(D) conducts an otherwise federally funded or federally sponsored school-age child care or youth services program;

''(E) conducts a school-age child care or youth services program operated by a not-for-profit organization;

''(F) provides in-home child care, such as a nanny or an au pair; or

''(G) is a provider of another category of child care services or youth program services the Commandant considers appropriate for meeting the needs of members or civilian employees of the Coast Guard.

''(c) FUNDING.—To provide financial assistance under this subsection, the Commandant may use any funds appropriated for the Coast Guard for operation and maintenance.

''(d) DIRECT PAYMENT.—

''(1) IN GENERAL.—In carrying out a child care subsidy program under subsection (a), subject to paragraph (3), the Commandant shall provide financial assistance under the program to an eligible member or individual the Commandant considers appropriate by direct payment to such eligible member or individual through monthly pay, direct deposit, or other direct form of payment.

''(2) POLICY.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish a policy to provide direct payment as described in paragraph (1).

''(3) ELIGIBLE PROVIDER FUNDING CONTINUATION.—With the approval of an eligible member or an individual the Commandant considers appropriate, which shall include the written consent of such member or individual, the Commandant may continue to provide financial assistance under the child care subsidy program directly to an eligible provider on behalf of such member or individual.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any preexisting reimbursement arrangement between the Coast Guard and a qualified provider.''.

(B) CLERICAL AMENDMENT.—The analysis for chapter 29 of title 14, United States Code, is amended by inserting after the item relating to section 2926 the following:

''2927. Child care subsidy program.''.

(2) EXPANSION OF CHILD CARE SUBSIDY PROGRAM.—

(A) IN GENERAL.—The Commandant shall—

(i) evaluate potential eligible uses for the child care subsidy program established under section 2927 of title 14, United States Code (referred to in this paragraph as the ''program''); and

(ii) expand the eligible uses of funds for the program to accommodate the child care needs of members of the Coast Guard (including such members with nonstandard work hours or surge or other deployment cycles), including by providing funds directly to such members instead of care providers.

(B) CONSIDERATIONS.—In evaluating potential eligible uses under subparagraph (A), the Commandant shall consider au pairs, nanny services, nanny shares, in-home child care services, care services such as supplemental care for children with disabilities, and any other child care delivery method the Commandant considers appropriate.

(C) REQUIREMENTS.—In establishing expanded eligible uses of funds for the program, the Commandant shall ensure that such uses—

(i) are in the best interests of the Coast Guard;

(ii) provide flexibility for eligible members and individuals the Commandant considers appropriate, including such members and individuals with nonstandard work hours; and

(iii) ensure a safe environment for dependents of such members and individuals.

(D) PUBLICATION.—Not later than 18 months after the date of the enactment of this Act, the Commandant shall publish an updated Commandant Instruction Manual (referred to in this paragraph as the ''manual'') that describes the expanded eligible uses of the program.

(E) REPORT.—

(i) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report outlining the expansion of the program.

(ii) ELEMENTS.—The report required by clause (i) shall include the following:

(I) An analysis of the considerations described in subparagraph (B).

(II) A description of the analysis used to identify eligible uses that were evaluated and incorporated into the manual under subparagraph (D).

(III) A full analysis and justification with respect to the forms of care that were ultimately not included in the manual.

(IV) Any recommendation with respect to funding or additional authorities necessary, including proposals for legislative change, to meet the current and anticipated future child care subsidy demands of the Coast Guard.

SEC. 5402. ARMED FORCES ACCESS TO COAST GUARD CHILD CARE FACILITIES.

Section 2922(a) of title 14, United States Code, is amended to read as follows:

''(a)(1) The Commandant may make child development services available, in such priority as the Commandant considers to be appropriate and consistent with readiness and resources and in the best interests of dependents of members and civilian employees of the Coast Guard, for—

''(A) members and civilian employees of the Coast Guard;

''(B) surviving dependents of members of the Coast Guard who have died on active duty, if such dependents were beneficiaries of a Coast Guard child development service at the time of the death of such members;

''(C) members of the armed forces (as defined in section 101 of title 10, United States Code); and

''(D) Federal civilian employees.

''(2) Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.''.

SEC. 5403. CADET PREGNANCY POLICY IMPROVEMENTS.

(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Defense, shall prescribe regulations that—

(1) preserve parental guardianship rights of cadets who become pregnant or father a child while attending the Coast Guard Academy; and

(2) maintain military and academic requirements for graduation and commissioning.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the development of the regulations required by subsection (a).

SEC. 5404. PILOT PROGRAM FOR FERTILITY TREATMENTS.

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

(1) Members of the Coast Guard face unique challenges in addressing infertility issues.

(2) Frequent deployments, dislocation, transfers, and operational tempo impart unique stresses to members of the Coast Guard and their families. The same stressors often disrupt or make fertility treatments impractical or cost prohibitive.

(3) Only 6 military treatment facilities in the United States offer fertility treatments to members of the Armed Forces.

(b) AUTHORIZATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish a pilot program for all qualified members of the Coast Guard for the purpose of expanding access to fertility treatment centers.

(2) INCLUSIONS.—The pilot program required by paragraph (1) may expand access to and availability of fertility-related medical care and treatments, as determined by the Commandant.

(3) CONSIDERATION OF METHODS TO EXPAND ACCESS.—As part of the pilot program under this section, the Commandant shall consider methods to expand access to fertility treatments for members of the Coast Guard, including by—

(A) examining support to improve access to fertility services traditionally considered nonessential and not covered by the TRICARE program (as defined in section 1072(7) of title 10, United States Code), such as medications, reproductive counseling, and other treatments;

(B) exploring ways to increase access to military treatment facilities that offer assistive reproductive technology services, consistent with—

(i) the Department of Defense Joint Travel Regulations issued on June 1, 2022; and

(ii) the Coast Guard Supplement to the Joint Travel Regulations issued on June 28, 2019;

(C) developing a process to allow assignment or reassignment of members of the Coast Guard requesting fertility treatments to a location conducive to receiving treatments; and

(D) in a case in which use of military treatment facilities is not available or practicable, entering into partnerships with private-sector fertility treatment providers; and

(E) providing flexible working hours, duty schedules, and administrative leave to allow for necessary treatments, appointments, and other services associated with receipt of fertility treatments and associated care.

(c) DURATION.—The duration of the pilot program under subsection (b) shall be not less than 5 years beginning on the date on which the pilot program is established.

(d) DISCHARGE ON DISTRICT BASIS.—The Commandant—

(1) may carry out the pilot program on a district basis; and

(2) shall include remote and urban units in the pilot program.

SEC. 5405. COMBAT-RELATED SPECIAL COMPENSATION.

(a) REPORT AND BRIEFING.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after the date on which the initial report is submitted under this subsection, the Commandant shall submit a report and provide an in-person briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the implementation of section 221 of the Coast Guard Authorization Act of 2015 (Public Law 114–120; 10 U.S.C. 1413a note).

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

(1) A description of methods to educate members and retirees on the combat-related special compensation program.

(2) Statistics regarding enrollment in such program for members of the Coast Guard and Coast Guard retirees.

(3) A summary of each of the following:

(A) Activities carried out relating to the education of members of the Coast Guard participating in the Transition Assistance Program with respect to the combat-related special compensation program.

(B) Activities carried out relating to the education of members of the Coast Guard who are engaged in missions in which they are susceptible to injuries that may result in qualification for combat-related special compensation, including flight school, the National Motor Lifeboat School, deployable specialized forces, and other training programs as the Commandant considers appropriate.

(C) Activities carried out relating to training physicians and physician assistants employed by the Coast Guard, or otherwise stationed in Coast Guard clinics, sickbays, or other locations at which medical care is provided to members of the Coast Guard, for the purpose of ensuring, during medical examinations, appropriate counseling and documentation of symptoms, injuries, and the associated incident that resulted in such injuries.

(D) Activities relating to the notification of heath service officers with respect to the combat-related special compensation program.

(4) The written guidance provided to members of the Coast Guard regarding necessary recordkeeping to ensure eligibility for benefits under such program.

(5) Any other matter relating to combat-related special compensation the Commandant considers appropriate.

(c) DISABILITY DUE TO CHEMICAL OR HAZARDOUS MATERIAL EXPOSURE.—Section 221(a)(2) of the Coast Guard Reauthorization Act of 2015 (Public Law 114–120; 10 U.S.C. 1413a note) is amended, in the matter preceding subparagraph (A)—

(1) by striking ''and hazardous'' and inserting ''hazardous''; and

(2) by inserting '', or a duty in which chemical or other hazardous material exposure has occurred (such as during marine inspections or pollution response activities)'' after ''surfman)''.

SEC. 5406. RESTORATION OF AMOUNTS IMPROPERLY WITHHELD FOR TAX PURPOSES FROM SEVERANCE PAYMENTS TO VETERANS OF THE COAST GUARD WITH COMBAT-RELATED INJURIES.

(a) APPLICATION TO MEMBERS OF THE COAST GUARD WHEN THE COAST GUARD IS NOT OPERATING AS A SERVICE IN THE DEPARTMENT OF THE NAVY.—The Combat-Injured Veterans Tax Fairness Act of 2016 (Public Law 114–292; 10 U.S.C. 1212 note) is amended—

(1) in section 3—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''(and the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, and the Secretary of Transportation, with respect to the Coast Guard during the period in which it was operating as a service in the Department of Transportation), in coordination with the Secretary of the Treasury,'' after ''the Secretary of Defense'';

(ii) in paragraph (1)(A)—

(I) in clause (i), by striking ''the Secretary'' and inserting ''the Secretary of Defense (or the Secretary of Homeland Security or the Secretary of Transportation, with respect to the Coast Guard, as applicable)'';

(II) in clause (ii), by striking ''the Secretary'' and inserting ''the Secretary of Defense (or the Secretary of Homeland Security or the Secretary of Transportation, with respect to the Coast Guard, as applicable)''; and

(III) in clause (iv), by striking ''the Secretary'' and inserting ''the Secretary of Defense (or the Secretary of Homeland Security or the Secretary of Transportation, with respect to the Coast Guard, as applicable)''; and

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

''(B) instructions for—

''(i) filing amended tax returns to recover the amounts improperly withheld for tax purposes; and

''(ii) requesting standard refund amounts described in subsection (b).'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) STANDARD REFUND AMOUNTS DESCRIBED.—The standard refund amounts described in this subsection are—

''(1) $1,750 for tax years 1991 through 2005;

''(2) $2,400 for tax years 2006 through 2010; and

''(3) $3,200 for tax years 2011 through 2016.'';

(2) in section 4—

(A) in the section heading, by inserting ''**AND THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING**'' after ''**SECRETARY OF DEFENSE**'';

(B) by inserting ''(and the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Department of the Navy), in coordination with the Secretary of the Treasury,'' after ''The Secretary of Defense''; and

(C) by striking ''made by the Secretary'' and inserting ''made by the Secretary of Defense (and the Secretary of the Department in which the Coast Guard is operating with respect to the Coast Guard)''; and

(3) in section 5—

(A) in subsection (a)—

(i) by inserting ''(and the Secretary of the Department in which the Coast Guard is operating, with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, and the Secretary of Transportation, with respect to the Coast Guard during the period in which it was operating as a service in the Department of Transportation)'' after ''the Secretary of Defense''; and

(ii) by striking ''the Secretary to'' and inserting ''the Secretary of Defense (or the Secretary of Homeland Security or the Secretary of Transportation, with respect to the Coast Guard, as applicable) to''; and

(B) in subsection (b)—

(i) in paragraph (2), by striking ''the Secretary'' and inserting ''the Secretary of Defense (or the Secretary of Homeland Security or the Secretary of Transportation, with respect to the Coast Guard, as applicable)''; and

(ii) in paragraph (3), by striking ''the Secretary'' and inserting ''the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Department of the Navy)''.

(b) DEADLINES.—

(1) IDENTIFICATION OF AMOUNTS IMPROPERLY WITHHELD AND REPORTING.—The Secretary of Homeland Security and the Secretary of Transportation, in coordination with the Secretary of the Treasury, shall carry out the requirements under—

(A) section 3(a) of the Combat-Injured Veterans Tax Fairness Act of 2016 (Public Law 114–292; 10 U.S.C. 1212 note), as amended by subsection (a)(1)(A), not later than 1 year after the date of the enactment of this Act; and

(B) section 5 of that Act, as amended by subsection (a)(3), not later than 1 year after the date of the enactment of this Act.

(2) ENSURING AMOUNTS ARE NOT IMPROPERLY WITHHELD.—The Secretary of Homeland Security shall carry out the requirements under section 4 of the Combat-Injured Veterans Tax Fairness Act of 2016 (Public Law 114–292; 10 U.S.C. 1212 note), as amended by subsection (a)(2), beginning on the date of the enactment of this Act.

SEC. 5407. MODIFICATION OF BASIC NEEDS ALLOWANCE FOR MEMBERS OF THE COAST GUARD.

(a) IN GENERAL.—Section 402b of title 37, United States Code, is amended—

(1) by redesignating subsections (h) through (k) as subsections (i) through (*l*), respectively; and

(2) by inserting after subsection (g) the following:

''(h) SPECIAL RULE FOR MEMBERS OF COAST GUARD.—

''(1) IN GENERAL.—In the case of a member of the Coast Guard, the Secretary concerned shall—

''(A) determine under subsection (f) whether the member is eligible under subsection (b) for the allowance under subsection (a); and

''(B) if the Secretary concerned determines a member is eligible for the allowance, pay the allowance to the member unless the member elects not to receive the allowance.

''(2) ATTESTATION OF INCOME.—A member of the Coast Guard is not required to submit an application under subsection (e) to receive the allowance under subsection (a), but not less frequently than biennially, the member shall submit to the Secretary concerned an

attestation that the gross household income of the member does not exceed the amount described in subsection (b)(2).

''(3) ELECTRONIC PROCESS.—The Secretary concerned shall establish an electronic process pursuant to which a member of the Coast Guard may—

''(A) elect under paragraph (1)(B) not to receive the allowance; or

''(B) submit an attestation under paragraph (2).''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (e)—

(A) in paragraphs (1) and (2), by striking ''A member'' both places it appears and inserting ''Except as provided by subsection (h), a member''; and

(B) in paragraph (4)(B)—

(i) by striking ''that the member'' and inserting the following: ''that—

''(i) the member'';

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

(iii) by adding at the end the following:

''(ii) in the case of a member of the Coast Guard, that the member may receive the allowance as provided by subsection (h).''; and

(2) in subsection (g)(2), by striking ''A member'' and inserting ''Except as provided by subsection (h), a member''.

SEC. 5408. STUDY ON FOOD SECURITY.

(a) STUDY.—

(1) IN GENERAL.—The Commandant shall conduct a study on food insecurity among members of the Coast Guard.

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

(A) An analysis of the impact of food deserts on members of the Coast Guard and their dependents who live in areas with high costs of living, including areas with high-density populations and rural areas.

(B) A comparison of—

(i) the current method used by the Commandant to determine which areas are considered to be high cost-of-living areas;

(ii) local-level indicators used by the Bureau of Labor Statistics to determine cost of living that indicate buying power and consumer spending in specific geographic areas; and

(iii) indicators of cost of living used by the Department of Agriculture in market basket analyses, and other measures of local and regional food costs.

(C) An assessment of the accuracy of the method and indicators described in subparagraph (B) in quantifying high cost of living in low-data and remote areas.

(D) An assessment of the manner in which data accuracy and availability affect the accuracy of cost-of-living allowance calculations and other benefits, as the Commandant considers appropriate.

(E) Recommendations—

(i) to improve access to high-quality, affordable food within a reasonable distance of Coast Guard units located in areas identified as food deserts;

(ii) to reduce transit costs for members of the Coast Guard and their dependents who are required to travel to access high-quality, affordable food; and

(iii) for improving the accuracy of the calculations referred to in subparagraph (D).

(F) The estimated costs of implementing each recommendation made under subparagraph (E).

(b) PLAN.—

(1) IN GENERAL.—The Commandant shall develop a detailed plan to implement the recommendations of the study conducted under subsection (a).

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the plan required by paragraph (1), including the cost of implementation, proposals for legislative change, and any other result of the study the Commandant considers appropriate.

(c) FOOD DESERT DEFINED.—In this section, the term ''food desert'' means an area, as determined by the Commandant, in which it is difficult, even with a vehicle or an otherwise-available mode of transportation, to obtain affordable, high-quality fresh food in the immediate area in which members of the Coast Guard serve and reside.

Subtitle B—Healthcare

SEC. 5421. DEVELOPMENT OF MEDICAL STAFFING STANDARDS FOR THE COAST GUARD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant, in consultation with the Defense Health Agency and any healthcare expert the Commandant considers appropriate, shall develop medical staffing standards for the Coast Guard consistent with the recommendations of the Comptroller General of the United States set forth in the report entitled ''Coast Guard Health Care: Improvements Needed for Determining Staffing Needs and Monitoring Access to Care'' published in February 2022.

(b) INCLUSIONS.—The standards required by subsection (a) shall address and take into consideration the following:

(1) Current and future operations of healthcare personnel in support of Department of Homeland Security missions, including surge deployments for incident response.

(2) Staffing standards for specialized providers, such as flight surgeons, dentists, behavioral health specialists, and physical therapists.

(3) Staffing levels of medical, dental, and behavioral health providers for the Coast Guard who are—

(A) members of the Coast Guard;

(B) assigned to the Coast Guard from the Public Health Service;

(C) Federal civilian employees; or

(D) contractors hired by the Coast Guard to fill vacancies.

(4) Staffing levels at medical facilities for Coast Guard units in remote locations.

(5) Any discrepancy between medical staffing standards of the Department of Defense and medical staffing standards of the Coast Guard.

(c) REVIEW.—Not later than 90 days after the staffing standards required by subsection (a) are completed, the Commandant shall submit the standards to the Comptroller General, who shall review the standards and provide recommendations to the Commandant.

(d) REPORT TO CONGRESS.—Not later than 180 days after developing such standards, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the standards developed under subsection (a) that includes a plan and a description of the resources and budgetary needs required to implement the standards.

(e) MODIFICATION, IMPLEMENTATION, AND PERIODIC UPDATES.—The Commandant shall—

(1) modify such standards as necessary based on the recommendations provided under subsection (c);

(2) implement the standards;

(3) review and update the standards not less frequently than every 4 years.

SEC. 5422. HEALTHCARE SYSTEM REVIEW AND STRATEGIC PLAN.

(a) IN GENERAL.—Not later than 270 days after the completion of the studies conducted by the Comptroller General of the United States under sections 8259 and 8260 of the William M. (Mac) Thornberry National Defense Authorization Act of Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4679), the Commandant shall—

(1) conduct a comprehensive review of the Coast Guard healthcare system; and

(2) develop a strategic plan for improvements to, and modernization of, such system to ensure access to high-quality, timely healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.

(b) PLAN.—

(1) IN GENERAL.—The strategic plan developed under subsection (a) shall seek—

(A) to maximize the medical readiness of members of the Coast Guard;

(B) to optimize delivery of healthcare benefits;

(C) to ensure high-quality training of Coast Guard medical personnel; and

(D) to prepare for the future needs of the Coast Guard.

(2) ELEMENTS.—The plan shall address, at a minimum, the following:

(A) Improving access to healthcare for members of the Coast Guard, their dependents, and applicable Coast Guard retirees.

(B) Quality of care.

(C) The experience and satisfaction of members of the Coast Guard and their dependents with the Coast Guard healthcare system.

(D) The readiness of members of the Coast Guard and Coast Guard medical personnel.

(c) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Commandant shall establish an advisory committee to conduct a comprehensive review of the Coast Guard healthcare system (referred to in this section as the ''Advisory Committee'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Advisory Committee shall be composed of members selected by the Commandant, including—

(i) 1 or more members of the uniformed services (as defined in section 101 of title 10, United States Code) or Federal employees with expertise in—

(I) the medical, dental, pharmacy, behavioral health, or reproductive health fields; or

(II) any other field the Commandant considers appropriate;

(ii) a representative of the Defense Health Agency; and

(iii) a medical representative from each Coast Guard district.

(3) CHAIRPERSON.—The chairperson of the Advisory Committee shall be the Director of the Health, Safety, and Work Life Directorate of the Coast Guard.

(4) STAFF.—The Advisory Committee shall be staffed by employees of the Coast Guard.

(5) REPORT TO COMMANDANT.—Not later than 1 year after the Advisory Committee is established, the Advisory Committee shall submit to the Commandant a report that—

(A) takes into consideration the medical staffing standards developed under section 5421, assesses the recommended medical staffing standards set forth in the Comptroller General study required by section 8260 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4679), and compares such standards to the medical staffing standards of the Department of Defense and the private sector;

(B) addresses improvements needed to ensure continuity of care for members of the Coast Guard, including by evaluating the feasibility of having a dedicated primary

care manager for each such member while the member is stationed at a duty station;

(C) evaluates the effects of increased surge deployments of medical personnel on staffing needs at Coast Guard clinics;

(D) identifies ways to improve access to care for members of the Coast Guard and their dependents who are stationed in remote areas, including methods to expand access to providers in the available network;

(E) identifies ways the Coast Guard may better use Department of Defense Medical Health System resources for members of the Coast Guard, their dependents, and applicable Coast Guard retirees;

(F) identifies barriers to participation in the Coast Guard healthcare system and ways the Coast Guard may better use patient feedback to improve quality of care at Coast Guard-owned facilities, military treatment facilities, and specialist referrals;

(G) includes recommendations to improve the Coast Guard healthcare system; and

(H) any other matter the Commandant or the Advisory Committee considers appropriate.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) the strategic plan for the Coast Guard medical system required by subsection (a);

(2) the report of the Advisory Committee submitted to the Commandant under subsection (c)(5); and

(3) a description of the manner in which the Commandant plans to implement the recommendations of the Advisory Committee.

SEC. 5423. DATA COLLECTION AND ACCESS TO CARE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant, in consultation with the Defense Health Agency and any healthcare expert the Commandant considers appropriate, shall develop a policy to require the collection of data regarding access by members of the Coast Guard and their dependents to medical, dental, and behavioral health care as recommended by the Comptroller General of the United States in the report entitled ''Coast Guard Health Care: Improvements Needed for Determining Staffing Needs and Monitoring Access to Care'' published in February 2022.

(b) ELEMENTS.—The policy required by subsection (a) shall address the following:

(1) Methods to collect data on access to care for—

(A) routine annual physical health assessments;

(B) flight physicals for aviators and prospective aviators;

(C) sick call;

(D) injuries;

(E) dental health; and

(F) behavioral health conditions.

(2) Collection of data on access to care for referrals.

(3) Collection of data on access to care for members of the Coast Guard stationed at remote units, aboard Coast Guard cutters, and on deployments.

(4) Use of the electronic health record system to improve data collection on access to care.

(5) Use of data for addressing the standards of care, including time between requests for appointments and actual appointments, including appointments made with referral services.

(c) REVIEW BY COMPTROLLER GENERAL.—

(1) SUBMISSION.—Not later than 15 days after the policy is developed under subsection (a), the Commandant shall submit the policy to the Comptroller General of the United States.

(2) REVIEW.—Not later than 180 days after receiving the policy, the Comptroller General shall review the policy and provide recommendations to the Commandant.

(3) MODIFICATION.—Not later than 60 days after receiving the recommendations of the Comptroller General, the Commandant shall modify the policy as necessary based on such recommendations.

(d) PUBLICATION AND REPORT TO CONGRESS.—Not later than 90 days after the policy is modified under subsection (c)(3), the Commandant shall—

(1) publish the policy on a publicly accessible internet website of the Coast Guard; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the policy and the manner in which the Commandant plans to address access-to-care deficiencies.

(e) PERIODIC UPDATES.—Not less frequently than every 5 years, the Commandant shall review and update the policy.

SEC. 5424. BEHAVIORAL HEALTH POLICY.

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

(1) members of the Coast Guard—

(A) are exposed to high-risk and often stressful duties; and

(B) should be encouraged to seek appropriate medical treatment and professional guidance; and

(2) after treatment for behavioral health conditions, many members of the Coast Guard should be allowed to resume service in the Coast Guard if they—

(A) are able to do so without persistent duty modifications; and

(B) do not pose a risk to themselves or other members of the Coast Guard.

(b) INTERIM BEHAVIORAL HEALTH POLICY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish an interim behavioral health policy for members of the Coast Guard that is in parity with section 5.28 (relating to behavioral health) of Department of Defense Instruction 6130.03, volume 2, ''Medical Standards for Military Service: Retention''.

(2) TERMINATION.—The interim policy established under paragraph (1) shall remain in effect until the date on which the Commandant issues a permanent behavioral health policy for members of the Coast Guard.

(c) PERMANENT POLICY.—In developing a permanent policy with respect to retention and behavioral health, the Commandant shall ensure that, to the extent practicable, the policy of the Coast Guard is in parity with section 5.28 (relating to behavioral health) of Department of Defense Instruction 6130.03, volume 2, ''Medical Standards for Military Service: Retention''.

SEC. 5425. MEMBERS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter I of chapter 25 of title 14, United States Code, is amended by adding at the end the following:

''§ 2515. Members asserting post-traumatic stress disorder or traumatic brain injury

''(a) MEDICAL EXAMINATION REQUIRED.—(1) The Secretary shall ensure that a member of the Coast Guard who has performed Coast Guard operations or has been sexually assaulted during the preceding 2-year period, and who is diagnosed by an appropriate licensed or certified healthcare professional as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise alleges, based on the service of the member or based on such sexual assault, the influence of such a condition, receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

''(2) A member described in paragraph (1) shall not be administratively separated under conditions other than honorable, including an administrative separation in lieu of court-martial, until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary.

''(3)(A) In a case involving post-traumatic stress disorder, the medical examination shall be—

''(i) performed by—

''(I) a board-certified or board-eligible psychiatrist; or

''(II) a licensed doctorate-level psychologist; or

''(ii) performed under the close supervision of—

''(I) a board-certified or board-eligible psychiatrist; or

''(II) a licensed doctorate-level psychologist, a doctorate-level mental health provider, a psychiatry resident, or a clinical or counseling psychologist who has completed a 1-year internship or residency.

''(B) In a case involving traumatic brain injury, the medical examination shall be performed by a physiatrist, psychiatrist, neurosurgeon, or neurologist.

''(b) PURPOSE OF MEDICAL EXAMINATION.—The medical examination required by subsection (a) shall assess whether the effects of mental or neurocognitive disorders, including post-traumatic stress disorder and traumatic brain injury, constitute matters in extenuation that relate to the basis for administrative separation under conditions other than honorable or the overall characterization of the service of the member as other than honorable.

''(c) INAPPLICABILITY TO PROCEEDINGS UNDER UNIFORM CODE OF MILITARY JUSTICE.—The medical examination and procedures required by this section do not apply to courts-martial or other proceedings conducted pursuant to the Uniform Code of Military Justice.

''(d) COAST GUARD OPERATIONS DEFINED.—In this section, the term 'Coast Guard operations' has the meaning given that term in section 888(a) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)).''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 25 of title 14, United States Code, is amended by adding at the end the following:

''2515. Members asserting post-traumatic stress disorder or traumatic brain injury.''.

SEC. 5426. IMPROVEMENTS TO THE PHYSICAL DISABILITY EVALUATION SYSTEM AND TRANSITION PROGRAM.

(a) TEMPORARY POLICY.—Not later than 60 days after the date of the enactment of this Act, the Commandant shall develop a temporary policy that—

(1) improves timeliness, communication, and outcomes for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process;

(2) affords maximum career transition benefits to members of the Coast Guard determined by a Medical Evaluation Board to be unfit for retention in the Coast Guard; and

(3) maximizes the potential separation and career transition benefits for members of the Coast Guard undergoing the Physical Disability Evaluation System, or a related formal or informal process.

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

(1) A requirement that any member of the Coast Guard who is undergoing the Physical Disability Evaluation System, or a related formal or informal process, shall be placed in a duty status that allows the member the opportunity to attend necessary medical appointments and other activities relating to the Physical Disability Evaluation System, including completion of any application of the Department of Veterans Affairs and career transition planning.

(2) In the case of a Medical Evaluation Board report that is not completed within 120 days after the date on which an evaluation by the Medical Evaluation Board was initiated, the option for such a member to enter permissive duty status.

(3) A requirement that the date of initiation of an evaluation by a Medical Evaluation Board shall include the date on which any verbal or written affirmation is made to the member, command, or medical staff that the evaluation by the Medical Evaluation Board has been initiated.

(4) An option for such member to seek an internship under the SkillBridge program established under section 1143(e) of title 10, United States Code, and outside employment aimed at improving the transition of the member to civilian life, only if such an internship or employment does not interfere with necessary medical appointments required for the member's physical disability evaluation.

(5) A requirement that not less than 21 days notice shall be provided to such a member for any such medical appointment, to the maximum extent practicable, to ensure that the appointment timeline is in the best interests of the immediate health of the member.

(6) A requirement that the Coast Guard shall provide such a member with a written separation date upon the completion of a Medical Evaluation Board report that finds the member unfit to continue active duty.

(7) To provide certainty to such a member with respect to a separation date, a policy that ensures—

(A) that accountability measures are in place with respect to Coast Guard delays throughout the Physical Disability Evaluation System, including—

(i) placement of the member in an excess leave status after 270 days have elapsed since the date of initiation of an evaluation by a Medical Evaluation Board by any competent authority; and

(ii) a calculation of the costs to retain the member on active duty, including the pay, allowances, and other associated benefits of the member, for the period beginning on the date that is 90 days after the date of initiation of an evaluation by a Medical Evaluation Board by any competent authority and ending on the date on which the member is separated from the Coast Guard; and

(B) the availability of administrative solutions to any such delay.

(8) With respect to a member of the Coast Guard on temporary limited duty status, an option to remain in the member's current billet, to the maximum extent practicable, or to be transferred to a different active-duty billet, so as to minimize any negative impact on the member's career trajectory.

(9) A requirement that each respective command shall report to the Coast Guard Personnel Service Center any delay of more than 21 days between each stage of the Physical Disability Evaluation System for any such member, including between stages of the processes, the Medical Evaluation Board, the Informal Physical Evaluation Board, and the Formal Physical Evaluation Board.

(10) A requirement that, not later than 7 days after receipt of a report of a delay described in paragraph (9), the Personnel Service Center shall take corrective action, which shall ensure that the Coast Guard exercises maximum discretion to continue the Physical Disability Evaluation System of such a member in a timely manner, unless such delay is caused by the member.

(11) A requirement that—

(A) a member of the Coast Guard shall be allowed to make a request for a reasonable delay in the Physical Disability Evaluation System to obtain additional input and consultation from a medical or legal professional; and

(B) any such request for delay shall be approved by the Commandant based on a showing of good cause by the member.

(c) REPORT ON TEMPORARY POLICY.—Not later than 60 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the policy developed under subsection (a).

(d) PERMANENT POLICY.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall publish a Commandant Instruction making the policy developed under subsection (a) a permanent policy of the Coast Guard.

(e) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on, and a copy of, the permanent policy.

(f) ANNUAL REPORT ON COSTS.—

(1) IN GENERAL.—Not less frequently than annually, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that, for the preceding fiscal year—

(A) details the total aggregate service-wide costs described in subsection (b)(7)(A)(ii) for members of the Coast Guard whose Physical Disability Evaluation System process has exceeded 90 days; and

(B) includes for each such member—

(i) an accounting of such costs; and

(ii) the number of days that elapsed between the initiation and completion of the Physical Disability Evaluation System process.

(2) PERSONALLY IDENTIFIABLE INFORMATION.—A report under paragraph (1) shall not include the personally identifiable information of any member of the Coast Guard.

SEC. 5427. EXPANSION OF ACCESS TO COUNSELING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall hire, train, and deploy not fewer than an additional 5 behavioral health specialists.

(b) REQUIREMENT.—Through the hiring process required by subsection (a), the Commandant shall ensure that at least 35 percent of behavioral health specialists employed by the Coast Guard have experience in behavioral healthcare for the purpose of supporting members of the Coast Guard with fertility, infertility, pregnancy, miscarriage, child loss, postpartum depression, and related counseling needs.

(c) ACCESSIBILITY.—The support provided by the behavioral health specialists described in subsection (a)—

(1) may include care delivered via telemedicine; and

(2) shall be made widely available to members of the Coast Guard.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 4902(1)(A) of title 14, United States Code, as amended by section 5101 of this Act, $2,000,000 shall be made available to the Commandant for each of fiscal years 2023 and 2024 to carry out this section.

SEC. 5428. EXPANSION OF POSTGRADUATE OPPORTUNITIES FOR MEMBERS OF THE COAST GUARD IN MEDICAL AND RELATED FIELDS.

(a) IN GENERAL.—The Commandant shall expand opportunities for members of the Coast Guard to secure postgraduate degrees in medical and related professional disciplines for the purpose of supporting Coast Guard clinics and operations.

(b) MILITARY TRAINING STUDENT LOADS.—Section 4904(b)(3) of title 14, United States Code, is amended by striking ''350'' and inserting ''385''.

SEC. 5429. STUDY ON COAST GUARD TELEMEDICINE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on the Coast Guard telemedicine program.

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

(1) An assessment of—

(A) the current capabilities and limitations of the Coast Guard telemedicine program;

(B) the degree of integration of such program with existing electronic health records;

(C) the capability and accessibility of such program, as compared to the capability and accessibility of the telemedicine programs of the Department of Defense and commercial medical providers;

(D) the manner in which the Coast Guard telemedicine program may be expanded to provide better clinical and behavioral medical services to members of the Coast Guard, including such members stationed at remote units or onboard Coast Guard cutters at sea; and

(E) the costs savings associated with the provision of—

(i) care through telemedicine; and

(ii) preventative care.

(2) An identification of barriers to full use or expansion of such program.

(3) A description of the resources necessary to expand such program to its full capability.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

SEC. 5430. STUDY ON COAST GUARD MEDICAL FACILITIES NEEDS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on Coast Guard medical facilities needs.

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

(1) A current list of Coast Guard medical facilities, including clinics, sickbays, and shipboard facilities.

(2) A summary of capital needs for Coast Guard medical facilities, including construction and repair.

(3) A summary of equipment upgrade backlogs of Coast Guard medical facilities.

(4) An assessment of improvements to Coast Guard medical facilities, including improvements to IT infrastructure, required to enable the Coast Guard to fully use telemedicine and implement other modernization initiatives.

(5) An evaluation of the process used by the Coast Guard to identify, monitor, and construct Coast Guard medical facilities.

(6) A description of the resources necessary to fully address all Coast Guard medical facilities needs.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

Subtitle C—Housing

SEC. 5441. STRATEGY TO IMPROVE QUALITY OF LIFE AT REMOTE UNITS.

(a) IN GENERAL.—Not more than 180 days after the date of the enactment of this Act, the Commandant shall develop a strategy to improve the quality of life for members of the Coast Guard and their dependents who are stationed in remote units.

(b) ELEMENTS.—The strategy required by subsection (a) shall address the following:

(1) Methods to improve the availability or affordability of housing options for members of the Coast Guard and their dependents through—

(A) Coast Guard-owned housing;

(B) Coast Guard-facilitated housing; or

(C) basic allowance for housing adjustments to rates that are more competitive for members of the Coast Guard seeking privately owned or privately rented housing.

(2) Methods to improve access by members of the Coast Guard and their dependents to—

(A) medical, dental, and pediatric care;

(B) healthcare specific to women; and

(C) behavioral health care.

(3) Methods to increase access to child care services, including recommendations for increasing child care capacity and opportunities for care within the Coast Guard and in the private sector.

(4) Methods to improve non-Coast Guard network internet access at remote units—

(A) to improve communications between families and members of the Coast Guard on active duty; and

(B) for other purposes such as education and training.

(5) Methods to support spouses and dependents who face challenges specific to remote locations.

(6) Any other matter the Commandant considers appropriate.

(c) BRIEFING.—Not later than 180 days after the strategy required by subsection (a) is completed, the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a briefing on the strategy.

(d) REMOTE UNIT DEFINED.—In this section, the term ''remote unit'' means a unit located in an area in which members of the Coast Guard and their dependents are eligible for TRICARE Prime Remote.

SEC. 5442. STUDY ON COAST GUARD HOUSING ACCESS, COST, AND CHALLENGES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study on housing access, cost, and associated challenges facing members of the Coast Guard.

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

(1) An assessment of—

(A) the extent to which—

(i) the Commandant has evaluated the sufficiency, availability, and affordability of housing options for members of the Coast Guard and their dependents; and

(ii) the Coast Guard owns and leases housing for members of the Coast Guard and their dependents;

(B) the methods used by the Commandant to manage housing data, and the manner in which the Commandant uses such data—

(i) to inform Coast Guard housing policy; and

(ii) to guide investments in Coast Guard-owned housing capacity and other investments in housing, such as long-term leases and other options; and

(C) the process used by the Commandant to gather and provide information used to calculate housing allowances for members of the Coast Guard and their dependents, including whether the Commandant has established best practices to manage low-data areas.

(2) An assessment as to whether it is advantageous for the Coast Guard to continue to use the Department of Defense basic allowance for housing system.

(3) Recommendations for actions the Commandant should take to improve the availability and affordability of housing for members of the Coast Guard and their dependents who are stationed in—

(A) remote units located in areas in which members of the Coast Guard and their dependents are eligible for TRICARE Prime Remote; or

(B) units located in areas with a high number of vacation rental properties.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study.

(d) STRATEGY.—Not later than 180 days after the submission of the report required by subsection (c), the Commandant shall publish a Coast Guard housing strategy that addresses the findings set forth in the report, which shall, at a minimum—

(1) address housing inventory shortages and affordability; and

(2) include a Coast Guard-owned housing infrastructure investment prioritization plan.

SEC. 5443. AUDIT OF CERTAIN MILITARY HOUSING CONDITIONS OF ENLISTED MEMBERS OF THE COAST GUARD IN KEY WEST, FLORIDA.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Commandant, in coordination with the Secretary of the Navy, shall commence the conduct of an audit to assess—

(1) the conditions of housing units of enlisted members of the Coast Guard located at Naval Air Station Key West Sigsbee Park Annex;

(2) the percentage of those units that are considered unsafe or unhealthy housing units for enlisted members of the Coast Guard and their families;

(3) the process used by enlisted members of the Coast Guard and their families to report housing concerns;

(4) the extent to which enlisted members of the Coast Guard and their families who experience unsafe or unhealthy housing units incur relocation, per diem, or similar expenses as a direct result of displacement that are not covered by a landlord, insurance, or claims process and the feasibility of providing reimbursement for uncovered expenses; and

(5) what is needed to provide appropriate and safe living quarters for enlisted members of the Coast Guard and their families in Key West, Florida.

(b) REPORT.—Not later than 90 days after the commencement of the audit under subsection (a), the Commandant shall submit to the appropriate committees of Congress a report on the results of the audit.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.

(2) PRIVATIZED MILITARY HOUSING.—The term ''privatized military housing'' means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(3) UNSAFE OR UNHEALTHY HOUSING UNIT.—The term ''unsafe or unhealthy housing unit'' means a unit of privatized military housing in which is present, at levels exceeding national standards or guidelines, at least one of the following hazards:

(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.

(ii) Lead-based paint.

(iii) Asbestos or manmade fibers.

(iv) Ionizing radiation.

(v) Biocides.

(vi) Carbon monoxide.

(vii) Volatile organic compounds.

(viii) Infectious agents.

(ix) Fine particulate matter.

(B) Psychological hazards, including the following:

(i) Ease of access by unlawful intruders.

(ii) Lighting issues.

(iii) Poor ventilation.

(iv) Safety hazards.

(v) Other hazards similar to the hazards specified in clauses (i) through (iv).

SEC. 5444. STUDY ON COAST GUARD HOUSING AUTHORITIES AND PRIVATIZED HOUSING.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study—

(A) to evaluate the authorities of the Coast Guard relating to construction, operation, and maintenance of housing provided to members of the Coast Guard and their dependents; and

(B) to assess other options to meet Coast Guard housing needs in rural and urban housing markets, including public-private partnerships, long-term lease agreements, privately owned housing, and any other housing option the Comptroller General identifies.

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

(A) A review of authorities, regulations, and policies available to the Secretary of the department in which the Coast Guard is operating (referred to in this section as the ''Secretary'') with respect to construction, maintenance, and operation of housing for members of the Coast Guard and their dependents, including unaccompanied member housing, that considers—

(i) housing that is owned and operated by the Coast Guard;

(ii) long-term leasing or extended-rental housing;

(iii) public-private partnerships or other privatized housing options for which the Secretary may enter into 1 or more contracts with a private entity to build, maintain, and operate privatized housing for members of the Coast Guard and their dependents;

(iv) on-installation and off-installation housing options, and the availability of, and authorities relating to, such options; and

(v) housing availability near Coast Guard units, readiness needs, and safety.

(B) A review of the housing-related authorities, regulations, and policies available to the Secretary of Defense, and an identification of the differences between such authorities afforded to the Secretary of Defense and the housing-related authorities, regulations, and policies afforded to the Secretary.

(C) A description of lessons learned or recommendations for the Coast Guard based on the use by the Department of Defense of privatized housing, including the recommendations set forth in the report of the Government Accountability Office entitled ''Privatized Military Housing: Update on DOD's Efforts to Address Oversight Challenges'' (GAO–22–105866), issued in March 2022.

(D) An assessment of the extent to which the Secretary has used the authorities provided in subchapter IV of chapter 169 of title 10, United States Code.

(E) An analysis of immediate and long-term costs associated with housing owned and operated by the Coast Guard, as compared to opportunities for long-term leases, private housing, and other public-private partnerships in urban and remote locations.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a).

(c) BRIEFING.—Not later than 180 days after the date on which the report required by subsection (b) is submitted, the Commandant or the Secretary shall provide a briefing to the appropriate committees of Congress on—

(1) the actions the Commandant has, or has not, taken with respect to the results of the study;

(2) a plan for addressing areas identified in the report that present opportunities for improving the housing options available to members of the Coast Guard and their dependents; and

(3) the need for, or potential manner of use of, any authorities the Coast Guard does not have with respect to housing, as compared to the Department of Defense.

(d) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Subtitle D—Other Matters

SEC. 5451. REPORT ON AVAILABILITY OF EMERGENCY SUPPLIES FOR COAST GUARD PERSONNEL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the availability of appropriate emergency supplies at Coast Guard units.

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

(1) An assessment of the extent to which—

(A) the Commandant ensures that Coast Guard units assess risks and plan accordingly to obtain and maintain appropriate emergency supplies; and

(B) Coast Guard units have emergency food and water supplies available according to local emergency preparedness needs.

(2) A description of any challenge the Commandant faces in planning for and maintaining adequate emergency supplies for Coast Guard personnel.

(c) PUBLICATION.—Not later than 90 days after the date of submission of the report required by subsection (a), the Commandant shall publish a strategy and recommendations in response to the report that includes—

(1) a plan for improving emergency preparedness and emergency supplies for Coast Guard units; and

(2) a process for periodic review and engagement with Coast Guard units to ensure emerging emergency response supply needs are achieved and maintained.

TITLE LV—MARITIME

Subtitle A—Vessel Safety

SEC. 5501. ABANDONED SEAFARERS FUND AMENDMENTS.

Section 11113(c) of title 46, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting ''plus a surcharge of 25 percent of such total amount'' after ''seafarer''; and

(2) by striking paragraph (4).

SEC. 5502. RECEIPTS; INTERNATIONAL AGREEMENTS FOR ICE PATROL SERVICES.

Section 80301(c) of title 46, United States Code, is amended by striking the period at the end and inserting ''and subject to appropriations shall be available until expended for the purpose of the Coast Guard international ice patrol program.''.

SEC. 5503. PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS.

Notwithstanding any other provision of law, requirements authorized under sections 3509 of title 46, United States Code, shall not apply to any passenger vessel, as defined in section 2101 of such title, that—

(1) carries in excess of 250 passengers; and

(2) is, or was, in operation in the internal waters of the United States on voyages inside the Boundary Line, as defined in section 103 of such title, on or before July 27, 2030.

SEC. 5504. AT-SEA RECOVERY OPERATIONS PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a pilot program to evaluate the potential use of remotely controlled or autonomous operation and monitoring of certain vessels for the purposes of—

(1) better understanding the complexities of such at-sea operations and potential risks to navigation safety, vessel security, maritime workers, the public, and the environment;

(2) gathering observational and performance data from monitoring the use of remotely-controlled or autonomous vessels; and

(3) assessing and evaluating regulatory requirements necessary to guide the development of future occurrences of such operations and monitoring activities.

(b) DURATION AND EFFECTIVE DATE.—The duration of the pilot program established under this section shall be not more than 5 years beginning on the date on which the pilot program is established, which shall be not later than 180 days after the date of enactment of this Act.

(c) AUTHORIZED ACTIVITIES.—The activities authorized under this section include—

(1) remote over-the-horizon monitoring operations related to the active at-sea recovery of spaceflight components on an unmanned vessel or platform;

(2) procedures for the unaccompanied operation and monitoring of an unmanned spaceflight recovery vessel or platform; and

(3) unmanned vessel transits and testing operations without a physical tow line related to space launch and recovery operations, except within 12 nautical miles of a port.

(d) INTERIM AUTHORITY.—In recognition of potential risks to navigation safety, vessel security, maritime workers, the public, and the environment, and the unique circumstances requiring the use of remotely operated or autonomous vessels, the Secretary, in the pilot program established under subsection (a), may—

(1) allow remotely controlled or autonomous vessel operations to proceed consistent to the extent practicable under titles 33 and 46 of the United States Code, including navigation and manning laws and regulations;

(2) modify or waive applicable regulations and guidance as the Secretary considers appropriate to—

(A) allow remote and autonomous vessel at-sea operations and activities to occur while ensuring navigation safety; and

(B) ensure the reliable, safe, and secure operation of remotely-controlled or autonomous vessels; and

(3) require each remotely operated or autonomous vessel to be at all times under the supervision of 1 or more individuals—

(A) holding a merchant mariner credential which is suitable to the satisfaction of the Coast Guard; and

(B) who shall practice due regard for the safety of navigation of the autonomous vessel, to include collision avoidance.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to—

(1) permit foreign vessels to participate in the pilot program established under subsection (a);

(2) waive or modify applicable laws and regulations under titles 33 and 46 of the United States Code, except to the extent authorized under subsection (d)(2); or

(3) waive or modify any regulations arising under international conventions.

(f) SAVINGS PROVISION.—Nothing in this section may be construed to authorize the employment in the coastwise trade of a vessel or platform that does not meet the requirements of sections 12112, 55102, 55103, and 55111 of title 46, United States Code.

(g) BRIEFINGS.—The Secretary or the designee of the Secretary shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the program established under subsection (a) on a quarterly basis.

(h) REPORT.—Not later than 180 days after the expiration of the pilot program established under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report regarding an assessment of the execution of the pilot program and implications for maintaining navigation safety, the safety of maritime workers, and the preservation of the environment.

(i) GAO REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels in Federal waters of the United States.

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

(A) An assessment of commercially available autonomous and remote technologies in

the operation of shipboard equipment and the safe and secure navigation of vessels during the 10 years immediately preceding the date of the report.

(B) An analysis of the safety, physical security, cybersecurity, and collision avoidance risks and benefits associated with autonomous and remote technologies in the operation of shipboard equipment and the safe and secure navigation of vessels, including environmental considerations.

(C) An assessment of the impact of such autonomous and remote technologies, and all associated technologies, on labor, including—

(i) roles for credentialed and noncredentialed workers regarding such autonomous, remote, and associated technologies; and

(ii) training and workforce development needs associated with such technologies.

(D) An assessment and evaluation of regulatory requirements necessary to guide the development of future autonomous, remote, and associated technologies in the operation of shipboard equipment and safe and secure navigation of vessels.

(E) An assessment of the extent to which such technologies are being used in other countries and how such countries have regulated such technologies.

(F) Recommendations regarding authorization, infrastructure, and other requirements necessary for the implementation of such technologies in the United States.

(3) CONSULTATION.—The report required under paragraph (1) shall include, at a minimum, consultation with the maritime industry including—

(A) vessel operators, including commercial carriers, entities engaged in exploring for, developing, or producing resources, including non-mineral energy resources in its offshore areas, and supporting entities in the maritime industry;

(B) shipboard personnel impacted by any change to autonomous vessel operations, in order to assess the various benefits and risks associated with the implementation of autonomous, remote, and associated technologies in the operation of shipboard equipment and safe and secure navigation of vessels and the impact such technologies would have on maritime jobs and maritime manpower; and

(C) relevant federally funded research institutions, non-governmental organizations, and academia.

(j) DEFINITIONS.—In this section:

(1) MERCHANT MARINER CREDENTIAL.—The term ''merchant mariner credential'' means a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to title 46, United States Code.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

SEC. 5505. EXONERATION AND LIMITATION OF LIABILITY FOR SMALL PASSENGER VESSELS.

(a) RESTRUCTURING.—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 before section 30503 the following:

''Subchapter II—Exoneration and Limitation of Liability'';

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) COVERED SMALL PASSENGER VESSEL.—The term 'covered small passenger vessel'—

''(A) means a small passenger vessel, as defined in section 2101, that is—

''(i) not a wing-in-ground craft; and

''(ii) carrying—

''(I) not more than 49 passengers on an overnight domestic voyage; and

''(II) not more than 150 passengers on any voyage that is not an overnight domestic voyage; and

''(B) includes any wooden vessel constructed prior to March 11, 1996, carrying at least 1 passenger for hire.

''(2) OWNER.—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.''.

(c) APPLICABILITY.—Section 30502 of title 46, United States Code, is amended—

(1) by striking ''Except as otherwise provided'' and inserting the following: ''(a) IN GENERAL.—Except as to covered small passenger vessels and as otherwise provided'';

(2) by striking ''section 30503'' and inserting ''section 30521''; and

(3) by adding at the end the following:

''(b) APPLICATION.—Notwithstanding subsection (a), the requirements of section 30526 of this title shall apply to covered small passenger vessels.''.

(d) PROVISIONS REQUIRING NOTICE OF CLAIM OR LIMITING TIME FOR BRINGING ACTION.—Section 30526 of title 46, United States Code, as redesignated by subsection (a), is amended—

(1) in subsection (a), by inserting ''and covered small passenger vessels'' after ''seagoing vessels''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''6 months'' and inserting ''2 years''; and

(B) in paragraph (2), by striking ''one year'' and inserting ''2 years''.

(e) CHAPTER ANALYSIS.—The analysis for chapter 305 of title 46, United States Code, is amended—

(1) by inserting before the item relating to section 30501 the following:

''SUBCHAPTER I—GENERAL PROVISIONS'';

(2) by inserting after the item relating to section 30502 the following:

''SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY'';

(3) by striking the item relating to section 30501 and inserting the following:

''30501. Definitions.'';

and

(4) by redesignating the items relating to sections 30503 through 30512 as items relating to sections 30521 through 30530, respectively.

(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), by striking ''section 30506'' and inserting ''section 30524'';

(3) in section 30524(b), as redesignated by subsection (a), by striking ''section 30505'' and inserting ''section 30523''; and

(4) in section 30525, as redesignated by subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''sections 30505 and 30506'' and inserting ''sections 30523 and 30524'';

(B) in paragraph (1), by striking ''section 30505'' and inserting ''section 30523''; and

(C) in paragraph (2), by striking ''section 30506(b)'' and inserting ''section 30524(b)''.

SEC. 5506. MORATORIUM ON TOWING VESSEL INSPECTION USER FEES.

Notwithstanding section 9701 of title 31, United States Code, and section 2110 of title 46 of such Code, the Secretary of the department in which the Coast Guard is operating may not charge an inspection fee for a towing vessel that has a certificate of inspection issued under subchapter M of chapter I of title 46, Code of Federal Regulations (or any successor regulation), and that uses the Towing Safety Management System option for compliance with such subchapter, until—

(1) the completion of the review required under section 815 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (14 U.S.C. 946 note; Public Law 115–282); and

(2) the promulgation of regulations to establish specific inspection fees for such vessels.

SEC. 5507. CERTAIN HISTORIC PASSENGER VESSELS.

(a) REPORT ON COVERED HISTORIC VESSELS.—

(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 the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the practicability of the application of section 3306(n)(3)(A)(v) of title 46, United States Code, to covered historic vessels.

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

(A) An assessment of the compliance, as of the date on which the report is submitted in accordance with paragraph (1), of covered historic vessels with section 3306(n)(3)(A)(v) of title 46, United States Code.

(B) An assessment of the safety record of covered historic vessels.

(C) An assessment of the risk, if any, that modifying the requirements under section 3306(n)(3)(A)(v) of title 46, United States Code, would have on the safety of passengers and crew of covered historic vessels.

(D) An evaluation of the economic practicability of the compliance of covered historic vessels with such section 3306(n)(3)(A)(v) and whether that compliance would meaningfully improve safety of passengers and crew in a manner that is both feasible and economically practicable.

(E) Any recommendations to improve safety in addition to, or in lieu of, such section 3306(n)(3)(A)(v).

(F) Any other recommendations as the Comptroller General determines are appropriate with respect to the applicability of such section 3306(n)(3)(A)(v) to covered historic vessels.

(G) An assessment to determine if covered historic vessels could be provided an exemption to such section 3306(n)(3)(A)(v) and what changes to legislative or rulemaking requirements, including modifications to section 177.500(q) of title 46, Code of Federal Regulations (as in effect on the date of enactment of this Act), are necessary to provide the Commandant the authority to make such exemption or to otherwise provide for such exemption.

(b) CONSULTATION.—In completing the report required under subsection (a)(1), the Comptroller General may consult with—

(1) the National Transportation Safety Board;

(2) the Coast Guard; and

(3) the maritime industry, including relevant federally funded research institutions, nongovernmental organizations, and academia.

(c) EXTENSION FOR COVERED HISTORIC VESSELS.—The captain of a port may waive the requirements of section 3306(n)(3)(A)(v) of title 46, United States Code, with respect to covered historic vessels for not more than 2

years after the date of submission of the report required by subsection (a) to Congress in accordance with such subsection.

(d) SAVINGS CLAUSE.—Nothing in this section shall limit any authority available, as of the date of enactment of this Act, to the captain of a port with respect to safety measures or any other authority as necessary for the safety of covered historic vessels.

(e) NOTICE TO PASSENGERS.—A covered historic vessel that receives a waiver under subsection (c) shall, beginning on the date on which the requirements under section 3306(n)(3)(A)(v) of title 46, United States Code, take effect, provide a prominently displayed notice on its website, ticket counter, and each ticket for passengers that the vessel is exempt from meeting the Coast Guard safety compliance standards concerning egress as provided for under such section 3306(n)(3)(A)(v).

(f) DEFINITION OF COVERED HISTORIC VESSELS.—In this section, the term ''covered historic vessels'' means the following:

(1) American Eagle (Official Number 229913).

(2) Angelique (Official Number 623562).

(3) Heritage (Official Number 649561).

(4) J & E Riggin (Official Number 226422).

(5) Ladona (Official Number 222228).

(6) Lewis R. French (Official Number 015801).

(7) Mary Day (Official Number 288714).

(8) Stephen Taber (Official Number 115409).

(9) Victory Chimes (Official Number 136784).

(10) Grace Bailey (Official Number 085754).

(11) Mercantile (Official Number 214388).

(12) Mistress (Official Number 509004).

SEC. 5508. COAST GUARD DIGITAL REGISTRATION.

Section 12304(a) of title 46, United States Code, is amended—

(1) by striking ''shall be pocketsized,''; and

(2) by striking '', and may be valid'' and inserting ''and may be in hard copy or digital form. The certificate shall be valid''.

SEC. 5509. RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''§ 721. Responses to safety recommendations

''(a) IN GENERAL.—Not later than 90 days after the submission to the Commandant of a recommendation and supporting justification by the National Transportation Safety Board relating to transportation safety, the Commandant shall submit to the National Transportation Safety Board a written response to the recommendation, which shall include whether the Commandant—

''(1) concurs with the recommendation;

''(2) partially concurs with the recommendation; or

''(3) does not concur with the recommendation.

''(b) EXPLANATION OF CONCURRENCE.—A response under subsection (a) shall include—

''(1) with respect to a recommendation with which the Commandant concurs, an explanation of the actions the Commandant intends to take to implement such recommendation;

''(2) with respect to a recommendation with which the Commandant partially concurs, an explanation of the actions the Commandant intends to take to implement the portion of such recommendation with which the Commandant partially concurs; and

''(3) with respect to a recommendation with which the Commandant does not concur, the reasons the Commandant does not concur.

''(c) FAILURE TO RESPOND.—If the National Transportation Safety Board has not received the written response required under subsection (a) by the end of the time period described in that subsection, the National Transportation Safety Board shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that such response has not been received.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''721. Responses to safety recommendations.''.

SEC. 5510. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON THE COAST GUARD'S OVERSIGHT OF THIRD PARTY ORGANIZATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall initiate a review, not later than 1 year after the date of enactment of this Act, that assesses the Coast Guard's oversight of third party organizations.

(b) ELEMENTS.—The study required under subsection (a) shall analyze the following:

(1) Coast Guard utilization of third party organizations in its prevention mission, and the extent the Coast Guard plans to increase such use to enhance prevention mission performance, including resource utilization and specialized expertise.

(2) The extent the Coast Guard has assessed the potential risks and benefits of using third party organizations to support prevention mission activities.

(3) The extent the Coast Guard provides oversight of third party organizations authorized to support prevention mission activities.

(c) REPORT.—The Comptroller General shall submit the results from this study not later than 1 year after initiating the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 5511. ARTICULATED TUG-BARGE MANNING.

(a) IN GENERAL.—Notwithstanding the watch setting requirements set forth in section 8104 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall authorize an Officer in Charge, Marine Inspection to issue an amended certificate of inspection that does not require engine room watch setting to inspected towing vessels certificated prior to July 19, 2022, forming part of an articulated tug-barge unit, provided that such vessels are equipped with engineering control and monitoring systems of a type accepted for no engine room watch setting under a previously approved Minimum Safe Manning Document or certificate of inspection for articulated tug-barge units.

(b) DEFINITIONS.—In this section:

(1) CERTIFICATE OF INSPECTION.—The term ''certificate of inspection'' means a certificate of inspection under subchapter M of chapter I of title 46, Code of Federal Regulations.

(2) INSPECTED TOWING VESSEL.—The term ''inspected towing vessel'' means a vessel issued a Certificate of Inspection.

SEC. 5512. ALTERNATE SAFETY COMPLIANCE PROGRAM EXCEPTION FOR CERTAIN VESSELS.

Section 4503a of title 46, United States Code, is amended—

(1) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(2) by inserting after subsection (c) the following:

''(d) Subsection (a) shall not apply to a vessel that—

''(1) is 79 feet or less in length as listed on the vessel's certificate of documentation or certificate of number; and

''(2)(A) successfully completes a dockside examination by the Secretary every 2 years in accordance with section 4502(f)(2) of this title; and

''(B) visibly displays a current decal demonstrating examination compliance in the pilothouse or equivalent space.''.

Subtitle B—Other Matters

SEC. 5521. DEFINITION OF A STATELESS VESSEL.

Section 70502(d)(1) of title 46, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

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

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

''(D) a vessel aboard which no individual, on request of an officer of the United States authorized to enforce applicable provisions of United States law, claims to be the master or is identified as the individual in charge and that has no other claim of nationality or registry under paragraph (1) or (2) of subsection (e).''.

SEC. 5522. REPORT ON ENFORCEMENT OF COASTWISE LAWS.

Not later than 1 year after the date of enactment of this Act, the Commandant shall submit to Congress a report describing any changes to the enforcement of chapters 121 and 551 of title 46, United States Code, as a result of the amendments to section 4(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)) made by section 9503 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

SEC. 5523. STUDY ON MULTI-LEVEL SUPPLY CHAIN SECURITY STRATEGY OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study that assesses the efforts of the Department of Homeland Security with respect to securing vessels and maritime cargo bound for the United States from national security related risks and threats.

(b) ELEMENTS.—The study required under subsection (a) shall assess the following:

(1) Programs that comprise the maritime strategy of the Department of Homeland Security for securing vessels and maritime cargo bound for the United States, and the extent that such programs cover the critical components of the global supply chain.

(2) The extent to which the components of the Department of Homeland Security responsible for maritime security issues have implemented leading practices in collaboration.

(3) The extent to which the Department of Homeland Security has assessed the effectiveness of its maritime security strategy.

(c) REPORT.—Not later than 1 year after initiating the study under subsection (a), the Comptroller General of the United States shall submit the results from the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 5524. STUDY TO MODERNIZE THE MERCHANT MARINER LICENSING AND DOCUMENTATION SYSTEM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure and the Committee

on Appropriations of the House of Representatives, a report on the financial, human, and information technology infrastructure resources needed to establish an electronic merchant mariner licensing and documentation system.

(b) LEGISLATIVE AND REGULATORY SUGGESTIONS.—The report described in subsection (a) shall include recommendations for such legislative or administrative actions as the Commandant determines necessary to establish the electronic merchant mariner licensing and documentation system described in subsection (a) as soon as possible.

(c) GAO REPORT.—

(1) IN GENERAL.—By not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Commandant, shall prepare and submit a report to Congress that evaluates the current processes, as of the date of enactment of this Act, of the National Maritime Center for processing and approving merchant mariner credentials.

(2) CONTENTS OF EVALUATION.—The evaluation conducted under paragraph (1) shall include—

(A) an analysis of the effectiveness of the current merchant mariner credentialing process, as of the date of enactment of this Act;

(B) an analysis of the backlogs relating to the merchant mariner credentialing process and the reasons for such backlogs; and

(C) recommendations for improving and expediting the merchant mariner credentialing process.

(3) DEFINITION OF MERCHANT MARINER CREDENTIAL.—In this subsection, the term ''merchant mariner credential'' means a merchant mariner license, certificate, or document that the Secretary of the department in which the Coast Guard is operating is authorized to issue pursuant to title 46, United States Code.

SEC. 5525. STUDY AND REPORT ON DEVELOPMENT AND MAINTENANCE OF MARINER RECORDS DATABASE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Commandant and the Administrator of the Maritime Administration and the Commander of the United States Transportation Command, shall conduct a study on the potential benefits and feasibility of developing and maintaining a Coast Guard database that—

(A) contains records with respect to each credentialed mariner, including credential validity, drug and alcohol testing results, and information on any final adjudicated agency action involving a credentialed mariner or regarding any involvement in a marine casualty; and

(B) maintains such records in a manner such that data can be readily accessed by the Federal Government for the purpose of assessing workforce needs and for the purpose of the economic and national security of the United States.

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

(A) include an assessment of the resources, including information technology, and authorities necessary to develop and maintain the database described in such paragraph; and

(B) specifically address the protection of the privacy interests of any individuals whose information may be contained within the database, which shall include limiting access to the database or having access to the database be monitored by, or accessed through, a member of the Coast Guard.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (a), including findings, conclusions, and recommendations.

(c) DEFINITIONS.—In this section:

(1) CREDENTIALED MARINER.—The term ''credentialed mariner'' means an individual with a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to title 46, United States Code.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Department in which the Coast Guard is operating.

SEC. 5526. ASSESSMENT REGARDING APPLICATION PROCESS FOR MERCHANT MARINER CREDENTIALS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct an assessment to determine the resources, including personnel and computing resources, required to—

(1) reduce the amount of time necessary to process merchant mariner credentialing applications to not more than 2 weeks after the date of receipt; and

(2) develop and maintain an electronic merchant mariner credentialing application.

(b) BRIEFING REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with the results of the assessment required under subsection (a).

(c) DEFINITION.—In this section, the term ''merchant mariner credentialing application'' means a credentialing application for a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to title 46, United States Code.

SEC. 5527. MILITARY TO MARINERS ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the ''Military to Mariners Act of 2022''.

(b) FINDINGS; SENSE OF CONGRESS.—

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

(A) The United States Uniformed Services are composed of the world's most highly trained and professional servicemembers.

(B) A robust Merchant Marine and ensuring United States mariners can compete in the global workforce are vital to economic and national security.

(C) Attracting additional trained and credentialed mariners, particularly from active duty servicemembers and military veterans, will support United States national security requirements and provide meaningful, well-paying jobs to United States veterans.

(D) There is a need to ensure that the Federal Government has a robust, state of the art, and efficient merchant mariner credentialing system to support economic and national security.

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

(A) veterans and members of the Uniformed Services who pursue credentialing to join the United States Merchant Marine should receive vigorous support; and

(B) it is incumbent upon the regulatory bodies of the United States to streamline regulations to facilitate transition of veterans and members of the Uniformed Services into the United States Merchant Marine to maintain a strong maritime presence in the United States and worldwide.

(c) MODIFICATION OF SEA SERVICE REQUIREMENTS FOR MERCHANT MARINER CREDENTIALS FOR VETERANS AND MEMBERS OF THE UNIFORMED SERVICES.—

(1) DEFINITIONS.—In this subsection:

(A) MERCHANT MARINER CREDENTIAL.—The term ''merchant mariner credential'' has the meaning given the term in section 7510 of title 46, United States Code.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(C) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 2101 of title 5, United States Code.

(2) REVIEW AND REGULATIONS.—Notwithstanding any other provision of law, not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) review and examine—

(i) the requirements and procedures for veterans and members of the Uniformed Services to receive a merchant mariner credential;

(ii) the classifications of sea service acquired through training and service as a member of the Uniformed Services and level of equivalence to sea service on merchant vessels;

(iii) the amount of sea service, including percent of the total time onboard for purposes of equivalent underway service, that will be accepted as required experience for all endorsements for applicants for a merchant mariner credential who are veterans or members of the Uniformed Services;

(B) provide the availability for a fully internet-based application process for a merchant mariner credential, to the maximum extent practicable; and

(C) issue new regulations to—

(i) reduce paperwork, delay, and other burdens for applicants for a merchant mariner credential who are veterans and members of the Uniformed Services, and, if determined to be appropriate, increase the acceptable percentages of time equivalent to sea service for such applicants; and

(ii) reduce burdens and create a means of alternative compliance to demonstrate instructor competency for Standards of Training, Certification and Watchkeeping for Seafarers courses.

(3) CONSULTATION.—In carrying out paragraph (2), the Secretary shall consult with the National Merchant Marine Personnel Advisory Committee taking into account the present and future needs of the United States Merchant Marine labor workforce.

(4) REPORT.—Not later than 180 days after the date of enactment of this Act, the Committee on the Marine Transportation System shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Armed Services of the House of Representatives, a report that contains an update on the activities carried out to implement—

(A) the July 2020 report by the Committee on the Marine Transportation System to the White House Office of Trade and Manufacturing Policy on the implementation of Executive Order 13860 (84 Fed. Reg. 8407; relating to supporting the transition of active duty servicemembers and military veterans into the Merchant Marine); and

(B) section 3511 of the National Defense Authorization Act of 2020 (Public Law 116–92; 133 Stat. 1978).

(d) ASSESSMENT OF SKILLBRIDGE FOR EMPLOYMENT AS A MERCHANT MARINER.—The Secretary of the department in which the Coast Guard is operating, in collaboration with the Secretary of Defense, shall assess the use of the SkillBridge program of the Department of Defense as a means for

transitioning active duty sea service personnel toward employment as a merchant mariner.

SEC. 5528. FLOATING DRY DOCKS.

Section 55122(a) of title 46, United States Code, is amended—

(1) in paragraph (1)(C)—

(A) by striking ''(C)'' and inserting ''(C)(i)'';

(B) by striking ''2015; and'' and inserting ''2015; or''; and

(C) by adding at the end the following:

''(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such date of enactment; and''; and

(2) in paragraph (2), by inserting ''or occurs between Honolulu, Hawaii, and Pearl Harbor, Hawaii'' before the period at the end.

TITLE LVI—SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE

SEC. 5601. DEFINITIONS.

(a) IN GENERAL.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (45) through (54) as paragraphs (47) through (56), respectively; and

(2) by inserting after paragraph (44) the following:

''(45) 'sexual assault' means any form of abuse or contact as defined in chapter 109A of title 18, or a substantially similar offense under a State, local, or Tribal law.

''(46) 'sexual harassment' means any of the following:

''(A) Conduct towards an individual (which may have been by the individual's supervisor, a supervisor in another area, a coworker, or another credentialed mariner) that—

''(i) involves unwelcome sexual advances, requests for sexual favors, or deliberate or repeated offensive comments or gestures of a sexual nature, when—

''(I) submission to such conduct is made either explicitly or implicitly a term or condition of employment, pay, career, benefits, or entitlements of the individual;

''(II) any submission to, or rejection of, such conduct by the individual is used as a basis for decisions affecting the individual's job, pay, career, benefits, or entitlements; or

''(III) such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating, hostile, or offensive working environment; and

''(ii) is so severe or pervasive that a reasonable person would perceive, and the individual does perceive, the environment as hostile or offensive.

''(B) Any use or condonation by any person in a supervisory or command position of any form of sexual behavior to control, influence, or affect the career, pay, or job of an individual who is a subordinate to the person.

''(C) Any intentional or repeated unwelcome verbal comment or gesture of a sexual nature towards or about an individual by the individual's supervisor, a supervisor in another area, a coworker, or another credentialed mariner.''.

(b) REPORT.—The Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing any changes the Commandant may propose to the definitions added by the amendments in subsection (a).

(c) CONFORMING AMENDMENTS.—

(1) Section 2113(3) of title 46, United States Code, is amended by striking ''section 2101(51)(A)'' and inserting ''section 2101(53)(A)''.

(2) Section 4105 of title 46, United States Code, is amended—

(A) in subsections (b)(1) and (c), by striking ''section 2101(51)'' each place it appears and inserting ''section 2101(53)''; and

(B) in subsection (d), by striking ''section 2101(51)(A)'' and inserting ''section 2101(53)(A)''.

(3) Section 1131(a)(1)(E) of title 49, United States Code, is amended by striking ''section 2101(46)'' and inserting ''116''.

SEC. 5602. CONVICTED SEX OFFENDER AS GROUNDS FOR DENIAL.

(a) IN GENERAL.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7511. Convicted sex offender as grounds for denial

''(a) SEXUAL ABUSE.—A license, certificate of registry, or merchant mariner's document authorized to be issued under this part shall be denied to an individual who has been convicted of a sexual offense prohibited under—

''(1) chapter 109A of title 18, except for subsection (b) of section 2244 of title 18; or

''(2) a substantially similar offense under a State, local, or Tribal law.

''(b) ABUSIVE SEXUAL CONTACT.—A license, certificate of registry, or merchant mariner's document authorized to be issued under this part may be denied to an individual who within 5 years before applying for the license, certificate, or document, has been convicted of a sexual offense prohibited under subsection (b) of section 2244 of title 18, or a substantially similar offense under a State, local, or Tribal law.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''7511. Convicted sex offender as grounds for denial.''.

SEC. 5603. ACCOMMODATION; NOTICES.

Section 11101 of title 46, United States Code, is amended—

(1) in subsection (a)—

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

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

(C) by adding at the end the following:

''(5) each crew berthing area shall be equipped with information regarding—

''(A) vessel owner or company policies prohibiting sexual assault, sexual harassment, retaliation, and drug and alcohol use; and

''(B) procedures and resources to report allegations of sexual assault and sexual harassment, including information—

''(i) on the contact information, website address, and mobile application of the Coast Guard Investigative Services and the Coast Guard National Command Center, in order to report allegations of sexual assault or sexual harassment;

''(ii) on vessel owner or company procedures to report violations of company policy and access resources;

''(iii) on resources provided by outside organizations such as sexual assault hotlines and counseling;

''(iv) on the retention period for surveillance video recording after an incident of sexual harassment or sexual assault is reported; and

''(v) on additional items specified in regulations issued by, and at the discretion of, the Secretary.''; and

(2) in subsection (d), by adding at the end the following: ''In each washing place in a visible location, there shall be information regarding procedures and resources to report alleged sexual assault and sexual harassment upon the vessel, and vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol use.''.

SEC. 5604. PROTECTION AGAINST DISCRIMINATION.

Section 2114(a) of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively; and

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

''(B) the seaman in good faith has reported or is about to report to the vessel owner, Coast Guard, or other appropriate Federal agency or department sexual harassment or sexual assault against the seaman or knowledge of sexual harassment or sexual assault against another seaman;''; and

(2) in paragraphs (2) and (3), by striking ''paragraph (1)(B)'' each place it appears and inserting ''paragraph (1)(C)''.

SEC. 5605. ALCOHOL AT SEA.

(a) IN GENERAL.—The Commandant shall seek to enter into an agreement with the National Academy of Sciences not later than 1 year after the date of the enactment of this Act under which the National Academy of Sciences shall prepare an assessment to determine safe levels of alcohol consumption and possession by crew members aboard vessels of the United States engaged in commercial service, except when such possession is associated with the commercial sale to individuals aboard the vessel who are not crew members.

(b) ASSESSMENT.—The assessment under this section shall—

(1) take into account the safety and security of every individual on the vessel;

(2) take into account reported incidences of sexual harassment or sexual assault, as defined in section 2101 of title 46, United States Code; and

(3) provide any appropriate recommendations for any changes to laws, including regulations, or employer policies.

(c) SUBMISSION.—Upon completion of the assessment under this section, the National Academy of Sciences shall submit the assessment to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Commandant, and the Secretary of the department in which the Coast Guard is operating.

(d) REGULATIONS.—The Commandant—

(1) shall review the findings and recommendations of the assessment under this section by not later than 180 days after receiving the assessment under subsection (c); and

(2) taking into account the safety and security of every individual on vessels of the United States engaged in commercial service, may issue regulations relating to alcohol consumption on such vessels.

(e) REPORT REQUIRED.—If, by the date that is 2 years after the receipt of the assessment under subsection (c), the Commandant does not issue regulations under subsection (d), the Commandant shall provide a report by such date to the appropriate committees of Congress—

(1) regarding the rationale for not issuing such regulations; and

(2) providing other recommendations as necessary to ensure safety at sea.

SEC. 5606. SEXUAL HARASSMENT OR SEXUAL ASSAULT AS GROUNDS FOR SUSPENSION AND REVOCATION.

(a) IN GENERAL.—Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

''§ 7704a. Sexual harassment or sexual assault as grounds for suspension and revocation

''(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder

of a license, certificate of registry, or merchant mariner's document issued under this part, within 10 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual harassment, then the license, certificate of registry, or merchant mariner's document shall be suspended or revoked.

''(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document issued under this part, within 20 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual assault, then the license, certificate of registry, or merchant mariner's document shall be revoked.

''(c) SUBSTANTIATED CLAIM.—

''(1) IN GENERAL.—In this section, the term 'substantiated claim' means—

''(A) a legal proceeding or agency action in any administrative proceeding that determines the individual committed sexual harassment or sexual assault in violation of any Federal, State, local, or Tribal law or regulation and for which all appeals have been exhausted, as applicable; or

''(B) a determination after an investigation by the Coast Guard that it is more likely than not that the individual committed sexual harassment or sexual assault as defined in section 2101, if the determination affords appropriate due process rights to the subject of the investigation.

''(2) INVESTIGATION BY THE COAST GUARD.—An investigation by the Coast Guard under paragraph (1)(B) shall include evaluation of the following materials that shall be provided to the Coast Guard:

''(A) Any inquiry or determination made by the employer of the individual as to whether the individual committed sexual harassment or sexual assault.

''(B) Upon request from the Coast Guard, any investigative materials, documents, records, or files in the possession of an employer or former employer of the individual that are related to the claim of sexual harassment or sexual assault by the individual.

''(3) ADDITIONAL REVIEW.—A license, certificate of registry, or merchant mariner's document shall not be suspended or revoked under subsection (a) or (b), unless the substantiated claim is reviewed and affirmed, in accordance with the applicable definition in section 2101, by an administrative law judge at the same suspension or revocation hearing under this chapter described in subsection (a) or (b), as applicable.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 77 of title 46, United States Code, is amended by inserting after the item relating to section 7704 the following:

''7704a. Sexual harassment or sexual assault as grounds for suspension or revocation.''.

SEC. 5607. SURVEILLANCE REQUIREMENTS.

(a) IN GENERAL.—Part B of subtitle II of title 46, United States Code, is amended by adding at the end the following:

''CHAPTER 49—OCEANGOING NONPASSENGER COMMERCIAL VESSELS

''§ 4901. Surveillance requirements

''(a) APPLICABILITY.—

''(1) IN GENERAL.—The requirements in this section shall apply to vessels engaged in commercial service that do not carry passengers and are any of the following:

''(A) A documented vessel with overnight accommodations for at least 10 persons on board that—

''(i) is on a voyage of at least 600 miles and crosses seaward of the boundary line; or

''(ii) is at least 24 meters (79 feet) in overall length and required to have a load line under chapter 51.

''(B) A documented vessel on an international voyage that is of—

''(i) at least 500 gross tons as measured under section 14502; or

''(ii) an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104.

''(C) A vessel with overnight accommodations for at least 10 persons on board that are operating for no less than 72 hours on waters superjacent to the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

''(2) EXCEPTION.—Notwithstanding paragraph (1), the requirements in this section shall not apply to any fishing vessel, fish processing vessel, or fish tender vessel.

''(b) REQUIREMENT FOR MAINTENANCE OF VIDEO SURVEILLANCE SYSTEM.—Each vessel to which this section applies shall maintain a video surveillance system in accordance with this section.

''(c) PLACEMENT OF VIDEO AND AUDIO SURVEILLANCE EQUIPMENT.—

''(1) IN GENERAL.—The owner of a vessel to which this section applies shall install video and audio surveillance equipment aboard the vessel not later than 2 years after the date of enactment of the Coast Guard Authorization Act of 2022, or during the next scheduled drydock, whichever is later.

''(2) LOCATIONS.—Video and audio surveillance equipment shall be placed in passageways onto which doors from staterooms open. Such equipment shall be placed in a manner ensuring the visibility of every door in each such passageway.

''(d) NOTICE OF VIDEO AND AUDIO SURVEILLANCE.—The owner of a vessel to which this section applies shall provide clear and conspicuous signs on board the vessel notifying the crew of the presence of video and audio surveillance equipment.

''(e) ACCESS TO VIDEO AND AUDIO RECORDS.—

''(1) IN GENERAL.—The owner of a vessel to which this section applies shall provide to any Federal, State, or other law enforcement official performing official duties in the course and scope of a criminal or marine safety investigation, upon request, a copy of all records of video and audio surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

''(2) CIVIL ACTIONS.—Except as proscribed by law enforcement authorities or court order, the owner of a vessel to which this section applies shall, upon written request, provide to any individual or the individual's legal representative a copy of all records of video and audio surveillance—

''(A) in which the individual is a subject of the video and audio surveillance;

''(B) if the request is in conjunction with a legal proceeding or investigation; and

''(C) that may provide evidence of any sexual harassment or sexual assault incident in a civil action.

''(3) LIMITED ACCESS.—The owner of a vessel to which this section applies shall ensure that access to records of video and audio surveillance is limited to the purposes described in this section and not used as part of a labor action against a crew member or employment dispute unless used in a criminal or civil action.

''(f) RETENTION REQUIREMENTS.—The owner of a vessel to which this section applies shall retain all records of audio and video surveillance for not less than 4 years after the footage is obtained. Any video and audio surveillance found to be associated with an alleged incident of sexual harassment or sexual assault shall be retained by such owner for not less than 10 years from the date of the alleged incident. The Federal Bureau of Investigation and the Coast Guard are authorized access to all records of video and audio surveillance relevant to an investigation into criminal conduct.

''(g) PERSONNEL TRAINING.—A vessel owner, managing operator, or employer of a seafarer (in this subsection referred to as the 'company') shall provide training for all individuals employed by the company for the purpose of responding to incidents of sexual assault or sexual harassment, including—

''(1) such training to ensure the individuals—

''(A) retain audio and visual records and other evidence objectively; and

''(B) act impartially without influence from the company or others; and

''(2) training on applicable Federal, State, Tribal, and local laws and regulations regarding sexual assault and sexual harassment investigations and reporting requirements.

''(h) DEFINITION OF OWNER.—In this section, the term 'owner' means the owner, charterer, managing operator, master, or other individual in charge of a vessel.''.

(b) CLERICAL AMENDMENT.—The analysis of subtitle II at the beginning of title 46, United States Code, is amended by adding after the item relating to chapter 47 the following:

''CHAPTER 49—OCEANGOING NONPASSENGER COMMERCIAL VESSELS''.

SEC. 5608. MASTER KEY CONTROL.

(a) IN GENERAL.—Chapter 31 of title 46, United States Code, is amended by adding at the end the following:

''§ 3106. Master key control system

''(a) IN GENERAL.—The owner of a vessel subject to inspection under section 3301 shall—

''(1) ensure that such vessel is equipped with a vessel master key control system, manual or electronic, which provides controlled access to all copies of the vessel's master key of which access shall only be available to the individuals described in paragraph (2);

''(2)(A) establish a list of all crew members, identified by position, allowed to access and use the master key; and

''(B) maintain such list upon the vessel within owner records and include such list in the vessel safety management system under section 3203(a)(6);

''(3) record in a log book, which may be electronic and shall be included in the safety management system under section 3203(a)(6), information on all access and use of the vessel's master key, including—

''(A) dates and times of access;

''(B) the room or location accessed; and

''(C) the name and rank of the crew member that used the master key; and

''(4) make the list under paragraph (2) and the log book under paragraph (3) available upon request to any agent of the Federal Bureau of Investigation, any member of the Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

''(b) PROHIBITED USE.—A crew member not included on the list described in subsection (a)(2) shall not have access to or use the master key unless in an emergency and shall immediately notify the master and owner of the vessel following access to or use of such key.

''(c) PENALTY.—Any crew member who violates subsection (b) shall be liable to the United States Government for a civil penalty of not more than $1,000, and may be subject to suspension or revocation under section 7703.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

''3106. Master key control system.''.

SEC. 5609. SAFETY MANAGEMENT SYSTEMS.

Section 3203 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

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

''(5) with respect to sexual harassment and sexual assault, procedures and annual training requirements for all responsible persons and vessels to which this chapter applies on—

''(A) prevention;

''(B) bystander intervention;

''(C) reporting;

''(D) response; and

''(E) investigation;

''(6) the list required under section 3106(a)(2) and the log book required under section 3106(a)(3);'';

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (a) the following:

''(b) PROCEDURES AND TRAINING REQUIREMENTS.—In prescribing regulations for the procedures and training requirements described in subsection (a)(5), such procedures and requirements shall be consistent with the requirements to report sexual harassment or sexual assault under section 10104.

''(c) AUDITS.—

''(1) IN GENERAL.—Upon discovery of a failure of a responsible person or vessel to comply with a requirement under section 10104 during an audit of a safety management system or from other sources of information acquired by the Coast Guard (including an audit or systematic review under section 10104(g)), the Secretary shall audit the safety management system of a vessel under this section to determine if there is a failure to comply with any other requirement under section 10104.

''(2) CERTIFICATES.—

''(A) SUSPENSION.—During an audit of a safety management system of a vessel required under paragraph (1), the Secretary may suspend the Safety Management Certificate issued for the vessel under section 3205 and issue a separate Safety Management Certificate for the vessel to be in effect for a 3-month period beginning on the date of the issuance of such separate certificate.

''(B) REVOCATION.—At the conclusion of an audit of a safety management system required under paragraph (1), the Secretary shall revoke the Safety Management Certificate issued for the vessel under section 3205 if the Secretary determines—

''(i) that the holder of the Safety Management Certificate knowingly, or repeatedly, failed to comply with section 10104; or

''(ii) other failure of the safety management system resulted in the failure to comply with such section.

''(3) DOCUMENTS OF COMPLIANCE.—

''(A) IN GENERAL.—Following an audit of the safety management system of a vessel required under paragraph (1), the Secretary may audit the safety management system of the responsible person for the vessel.

''(B) SUSPENSION.—During an audit under subparagraph (A), the Secretary may suspend the Document of Compliance issued to the responsible person under section 3205 and issue a separate Document of Compliance to such person to be in effect for a 3-month period beginning on the date of the issuance of such separate document.

''(C) REVOCATION.—At the conclusion of an assessment or an audit of a safety management system under subparagraph (A), the Secretary shall revoke the Document of Compliance issued to the responsible person if the Secretary determines—

''(i) that the holder of the Document of Compliance knowingly, or repeatedly, failed to comply with section 10104; or

''(ii) that other failure of the safety management system resulted in the failure to comply with such section.''.

SEC. 5610. REQUIREMENT TO REPORT SEXUAL ASSAULT AND HARASSMENT.

Section 10104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

''(a) MANDATORY REPORTING BY CREW MEMBERS.—

''(1) IN GENERAL.—A crew member of a documented vessel shall report to the Commandant in accordance with subsection (c) any complaint or incident of sexual harassment or sexual assault of which the crew member has firsthand or personal knowledge.

''(2) PENALTY.—Except as provided in paragraph (3), a crew member with firsthand or personal knowledge of a sexual assault or sexual harassment incident on a documented vessel who knowingly fails to report in compliance with paragraph (1) is liable to the United States Government for a civil penalty of not more than $25,000.

''(3) AMNESTY.—A crew member who knowingly fails to make the required reporting under paragraph (1) shall not be subject to the penalty described in paragraph (2) if the complaint is shared in confidence with the crew member directly from the individual who experienced the sexual harassment or sexual assault or the crew member is a victim advocate as defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).

''(b) MANDATORY REPORTING BY VESSEL OWNER, MASTER, MANAGING OPERATOR, OR EMPLOYER.—

''(1) IN GENERAL.—A vessel owner, master, or managing operator of a documented vessel or the employer of a seafarer on that vessel shall report to the Commandant in accordance with subsection (c) any complaint or incident of sexual harassment or sexual assault involving a crew member in violation of employer policy or law of which such vessel owner, master, managing operator, or employer of the seafarer is made aware. Such reporting shall include results of any investigation into the incident, if applicable, and any action taken against the offending crew member.

''(2) PENALTY.—A vessel owner, master, or managing operator of a documented vessel or the employer of a seafarer on that vessel who knowingly fails to report in compliance with paragraph (1) is liable to the United States Government for a civil penalty of not more than $50,000.

''(c) REPORTING PROCEDURES.—

''(1) TIMING.—

''(A) REPORTS BY CREW MEMBERS.—A report required under subsection (a) shall be made as soon as practicable, but not later than 10 days after the individual develops firsthand or personal knowledge of the sexual assault or sexual harassment incident, to the Commandant by the fastest telecommunications channel available.

''(B) REPORTS BY VESSEL OWNERS, MASTERS, MANAGING OPERATORS, OR EMPLOYERS.—A report required under subsection (b) shall be made immediately after the vessel owner, master, managing operator, or employer of the seafarer gains knowledge of a sexual assault or sexual harassment incident by the fastest telecommunications channel available. Such report shall be made to the Commandant and the appropriate officer or agency of the government of the country in whose waters the incident occurs.

''(2) CONTENTS.—A report required under subsection (a) or (b) shall include, to the best of the knowledge of the individual making the report—

''(A) the name, official position or role in relation to the vessel, and contact information of the individual making the report;

''(B) the name and official number of the documented vessel;

''(C) the time and date of the incident;

''(D) the geographic position or location of the vessel when the incident occurred; and

''(E) a brief description of the alleged sexual harassment or sexual assault being reported.

''(3) RECEIVING REPORTS AND COLLECTION OF INFORMATION.—

''(A) RECEIVING REPORTS.—With respect to reports submitted under this subsection to the Coast Guard, the Commandant—

''(i) may establish additional reporting procedures, including procedures for receiving reports through—

''(I) a telephone number that is continuously manned at all times; and

''(II) an email address that is continuously monitored; and

''(ii) shall use procedures that include preserving evidence in such reports and providing emergency service referrals.

''(B) COLLECTION OF INFORMATION.—After receiving a report under this subsection, the Commandant shall collect information related to the identity of each alleged victim, alleged perpetrator, and witness identified in the report through a means designed to protect, to the extent practicable, the personal identifiable information of such individuals.

''(d) SUBPOENA AUTHORITY.—

''(1) IN GENERAL.—The Commandant may compel the testimony of witnesses and the production of any evidence by subpoena to determine compliance with this section.

''(2) JURISDICTIONAL LIMITS.—The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

''(e) COMPANY AFTER-ACTION SUMMARY.—A vessel owner, master, managing operator, or employer of a seafarer that makes a report under subsection (b), or becomes aware of a report made under subsection (a) that involves an individual employed by the owner, master, operator, or employer at the time of the sexual assault or sexual harassment incident, shall—

''(1) submit to the Commandant a document with detailed information to describe the actions taken by the vessel owner, master, managing operator, or employer of a seafarer after it became aware of the sexual assault or sexual harassment incident; and

''(2) make such submission not later than 10 days after the vessel owner, master, managing operator, or employer of a seafarer made the report under subsection (b), or became aware of a report made under subsection (a) that involves an individual employed by the owner, master, operator, or employer at the time of the sexual assault or sexual harassment incident.

''(f) REQUIRED COMPANY RECORDS.—A vessel owner, master, managing operator, or employer of a seafarer shall—

''(1) submit to the Commandant copies of all records, including documents, files, recordings, statements, reports, investigatory materials, findings, and any other materials requested by the Commandant related to the claim of sexual assault or sexual harassment; and

''(2) make such submission not later than 14 days after—

''(A) the vessel owner, master, managing operator, or employer of a seafarer submitted a report under subsection (b); or

''(B) the vessel owner, master, managing operator, or employer of a seafarer acquired knowledge of a report made under subsection

(a) that involved individuals employed by the vessel owner, master, managing operator, or employer of a seafarer.

''(g) INVESTIGATORY AUDIT.—The Commandant shall periodically perform an audit or other systematic review of the submissions made under this section to determine if there were any failures to comply with the requirements of this section.

''(h) CIVIL PENALTY.—A vessel owner, master, managing operator, or employer of a seafarer that fails to comply with subsections (e) or (f) is liable to the United States Government for a civil penalty of $50,000 for each day a failure continues.

''(i) APPLICABILITY; REGULATIONS.—

''(1) EFFECTIVE DATE.—The requirements of this section take effect on the date of enactment of the Coast Guard Authorization Act of 2022.

''(2) REGULATIONS.—The Commandant may issue regulations to implement the requirements of this section.

''(3) REPORTS.—Any report required to be made to the Commandant under this section shall be made to the Coast Guard National Command Center, until regulations establishing other reporting procedures are issued.''.

SEC. 5611. CIVIL ACTIONS FOR PERSONAL INJURY OR DEATH OF SEAMEN.

(a) PERSONAL INJURY TO OR DEATH OF SEAMEN.—Section 30104 of title 46, United States Code, is amended by inserting '', including an injury resulting from sexual assault or sexual harassment (as such terms are defined in section 2101),'' after ''in the course of employment''.

(b) TIME LIMIT ON BRINGING MARITIME ACTION.—Section 30106 of title 46, United States Code, is amended—

(1) in the section heading, by striking ''**for personal injury or death**'';

(2) by striking ''Except as otherwise'' and inserting the following:

''(a) IN GENERAL.—Except as otherwise''; and

(3) by adding at the end the following:

''(b) EXTENSION FOR SEXUAL OFFENSE.—A civil action under subsection (a) arising out of a maritime tort for a claim of sexual harassment or sexual assault, as such terms are defined in section 2101, shall be brought not later than 5 years after the cause of action for a claim of sexual harassment or sexual assault arose.''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 301 of title 46, United States Code, is amended by striking the item relating to section 30106 and inserting the following:

''30106. Time limit on bringing maritime action.''.

SEC. 5612. ACCESS TO CARE AND SEXUAL ASSAULT FORENSIC EXAMINATIONS.

(a) IN GENERAL.—Subchapter IV of chapter 5 of title 14, United States Code, as amended by section 5211, is further amended by adding at the end the following:

''§ 565. Access to care and sexual assault forensic examinations

''(a) IN GENERAL.—Before embarking on any prescheduled voyage, a Coast Guard vessel shall have in place a written operating procedure that ensures that an embarked victim of sexual assault shall have access to a sexual assault forensic examination—

''(1) as soon as possible after the victim requests an examination; and

''(2) that is treated with the same level of urgency as emergency medical care.

''(b) REQUIREMENTS.—The written operating procedure required by subsection (a), shall, at a minimum, account for—

''(1) the health, safety, and privacy of a victim of sexual assault;

''(2) the proximity of ashore or afloat medical facilities, including coordination as necessary with the Department of Defense, including other military departments (as defined in section 101 of title 10, United States Code);

''(3) the availability of aeromedical evacuation;

''(4) the operational capabilities of the vessel concerned;

''(5) the qualifications of medical personnel onboard;

''(6) coordination with law enforcement and the preservation of evidence;

''(7) the means of accessing a sexual assault forensic examination and medical care with a restricted report of sexual assault;

''(8) the availability of nonprescription pregnancy prophylactics; and

''(9) other unique military considerations.''.

(b) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall seek to enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study to assess the feasibility of the development of a self-administered sexual assault forensic examination for use by victims of sexual assault onboard a vessel at sea.

(2) ELEMENTS.—The study under paragraph (1) shall—

(A) take into account—

(i) the safety and security of the alleged victim of sexual assault;

(ii) the ability to properly identify, document, and preserve any evidence relevant to the allegation of sexual assault; and

(iii) the applicable criminal procedural laws relating to authenticity, relevance, preservation of evidence, chain of custody, and any other matter relating to evidentiary admissibility; and

(B) provide any appropriate recommendation for changes to existing laws, regulations, or employer policies.

(3) REPORT.—Upon completion of the study under paragraph (1), the National Academy of Sciences shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Secretary of the department in which the Coast Guard is operating a report on the findings of the study.

(c) CLERICAL AMENDMENT.—The analysis for subchapter IV of chapter 5 of title 14, United States Code, as amended by section 5211, is further amended by adding at the end the following:

''565. Access to care and sexual assault forensic examinations.''.

SEC. 5613. REPORTS TO CONGRESS.

(a) IN GENERAL.—Chapter 101 of title 46, United States Code, is amended by adding at the end the following:

''§ 10105. Reports to Congress

''Not later than 1 year after the date of enactment of the Coast Guard Authorization Act of 2022, and on an annual basis thereafter, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report to include—

''(1) the number of reports received under section 10104;

''(2) the number of penalties issued under such section;

''(3) the number of open investigations under such section, completed investigations under such section, and the outcomes of such open or completed investigations;

''(4) the number of assessments or audits conducted under section 3203 and the outcome of those assessments or audits;

''(5) a statistical analysis of compliance with the safety management system criteria under section 3203;

''(6) the number of credentials denied or revoked due to sexual harassment, sexual assault, or related offenses; and

''(7) recommendations to support efforts of the Coast Guard to improve investigations and oversight of sexual harassment and sexual assault in the maritime sector, including funding requirements and legislative change proposals necessary to ensure compliance with title LVI of the Coast Guard Authorization Act of 2022 and the amendments made by such title.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 101 of title 46, United States Code, is amended by adding at the end the following:

''10105. Reports to Congress.''.

SEC. 5614. POLICY ON REQUESTS FOR PERMANENT CHANGES OF STATION OR UNIT TRANSFERS BY PERSONS WHO REPORT BEING THE VICTIM OF SEXUAL ASSAULT.

Not later than 30 days after the date of the enactment of this Act, the Commandant, in consultation with the Director of the Health, Safety, and Work Life Directorate, shall issue an interim update to Coast Guard policy guidance to allow a member of the Coast Guard who has reported being the victim of a sexual assault or any other offense covered by section 920, 920c, or 930 of title 10, United States Code (article 120, 120c, or 130 of the Uniform Code of Military Justice) to request an immediate change of station or a unit transfer. The final policy shall be updated not later than 1 year after the date of the enactment of this Act.

SEC. 5615. SEX OFFENSES AND PERSONNEL RECORDS.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall issue final regulations or policy guidance required to fully implement section 1745 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1561 note).

SEC. 5616. STUDY ON COAST GUARD OVERSIGHT AND INVESTIGATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study to assess the oversight over Coast Guard activities, including investigations, personnel management, whistleblower protection, and other activities carried out by the Department of Homeland Security Office of Inspector General.

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

(1) An analysis of the ability of the Department of Homeland Security Office of Inspector General to ensure timely, thorough, complete, and appropriate oversight over the Coast Guard, including oversight over both civilian and military activities.

(2) An assessment of—

(A) the best practices with respect to such oversight; and

(B) the ability of the Department of Homeland Security Office of Inspector General and the Commandant to identify and achieve such best practices.

(3) An analysis of the methods, standards, and processes employed by the Department of Defense Office of Inspector General and the inspectors generals of the armed forces (as defined in section 101 of title 10, United States Code), other than the Coast Guard, to conduct oversight and investigation activities.

(4) An analysis of the methods, standards, and processes of the Department of Homeland Security Office of Inspector General with respect to oversight over the civilian

and military activities of the Coast Guard, as compared to the methods, standards, and processes described in paragraph (3).

(5) An assessment of the extent to which the Coast Guard Investigative Service completes investigations or other disciplinary measures after referral of complaints from the Department of Homeland Security Office of Inspector General.

(6) A description of the staffing, expertise, training, and other resources of the Department of Homeland Security Office of Inspector General, and an assessment as to whether such staffing, expertise, training, and other resources meet the requirements necessary for meaningful, timely, and effective oversight over the activities of the Coast Guard.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study, including recommendations with respect to oversight over Coast Guard activities.

SEC. 5617. STUDY ON SPECIAL VICTIMS' COUNSEL PROGRAM.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with a federally funded research and development center for the conduct of a study on—

(1) the Special Victims' Counsel program of the Coast Guard;

(2) Coast Guard investigations of sexual assault offenses for cases in which the subject of the investigation is no longer under jeopardy for the alleged misconduct for reasons including the death of the accused, a lapse in the statute of limitations for the alleged offense, and a fully adjudicated criminal trial of the alleged offense in which all appeals have been exhausted; and

(3) legal support and representation provided to members of the Coast Guard who are victims of sexual assault, including in instances in which the accused is a member of the Army, Navy, Air Force, Marine Corps, or Space Force.

(b) ELEMENTS.—The study required by subsection (a) shall assess the following:

(1) The Special Victims' Counsel program of the Coast Guard, including training, effectiveness, capacity to handle the number of cases referred, and experience with cases involving members of the Coast Guard and members of another armed force (as defined in section 101 of title 10, United States Code).

(2) The experience of Special Victims' Counsels in representing members of the Coast Guard during a court-martial.

(3) Policies concerning the availability and detailing of Special Victims' Counsels for sexual assault allegations, in particular such allegations in which the accused is a member of another armed force (as defined in section 101 of title 10, United States Code), and the impact that the cross-service relationship had on—

(A) the competence and sufficiency of services provided to the alleged victim; and

(B) the interaction between—

(i) the investigating agency and the Special Victims' Counsels; and

(ii) the prosecuting entity and the Special Victims' Counsels.

(4) Training provided to, or made available for, Special Victims' Counsels and paralegals with respect to Department of Defense processes for conducting sexual assault investigations and Special Victims' Counsel representation of sexual assault victims.

(5) The ability of Special Victims' Counsels to operate independently without undue influence from third parties, including the command of the accused, the command of the victim, the Judge Advocate General of the Coast Guard, and the Deputy Judge Advocate General of the Coast Guard.

(6) The skill level and experience of Special Victims' Counsels, as compared to special victims' counsels available to members of the Army, Navy, Air Force, Marine Corps, and Space Force.

(7) Policies regarding access to an alternate Special Victims' Counsel, if requested by the member of the Coast Guard concerned, and potential improvements for such policies.

(c) REPORT.—Not later than 180 days after entering into an agreement under subsection (a), the federally funded research and development center shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) the findings of the study required by that subsection;

(2) recommendations to improve the coordination, training, and experience of Special Victims' Counsels of the Coast Guard so as to improve outcomes for members of the Coast Guard who have reported sexual assault; and

(3) any other recommendation the federally funded research and development center considers appropriate.

TITLE LVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subtitle A—National Oceanic and Atmospheric Administration Commissioned Officer Corps

SEC. 5701. DEFINITIONS.

Section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002(b)) is amended by adding at the end the following:

''(8) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.''.

SEC. 5702. REQUIREMENT FOR APPOINTMENTS.

Section 221(c) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021(c)) is amended by striking ''may not be given'' and inserting the following: ''may—

''(1) be given only to an individual who is a citizen of the United States; and

''(2) not be given''.

SEC. 5703. REPEAL OF REQUIREMENT TO PROMOTE ENSIGNS AFTER 3 YEARS OF SERVICE.

(a) IN GENERAL.—Section 223 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3023) is amended to read as follows:

''SEC. 223. SEPARATION OF ENSIGNS FOUND NOT FULLY QUALIFIED.

''If an officer in the permanent grade of ensign is at any time found not fully qualified, the officer's commission shall be revoked and the officer shall be separated from the commissioned service.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 223 and inserting the following:

''Sec. 223. Separation of ensigns found not fully qualified.''.

SEC. 5704. AUTHORITY TO PROVIDE AWARDS AND DECORATIONS.

(a) IN GENERAL.—Subtitle A of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 220. AWARDS AND DECORATIONS.

''The Under Secretary may provide ribbons, medals, badges, trophies, and similar devices to members of the commissioned officer corps of the Administration and to members of other uniformed services for service and achievement in support of the missions of the Administration.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 219 the following:

''Sec. 220. Awards and decorations.''.

SEC. 5705. RETIREMENT AND SEPARATION.

(a) INVOLUNTARY RETIREMENT OR SEPARATION.—Section 241(a)(1) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3041(a)(1)) is amended to read as follows:

''(1) an officer in the permanent grade of captain or commander may—

''(A) except as provided by subparagraph (B), be transferred to the retired list; or

''(B) if the officer is not qualified for retirement, be separated from service; and''.

(b) RETIREMENT FOR AGE.—Section 243(a) of that Act (33 U.S.C. 3043(a)) is amended by striking ''be retired'' and inserting ''be retired or separated (as specified in section 1251(e) of title 10, United States Code)''.

(c) RETIREMENT OR SEPARATION BASED ON YEARS OF CREDITABLE SERVICE.—Section 261(a) of that Act (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (17) through (26) as paragraphs (18) through (27), respectively; and

(2) by inserting after paragraph (16) the following:

''(17) Section 1251(e), relating to retirement or separation based on years of creditable service.''.

SEC. 5706. LICENSURE OF HEALTH-CARE PROFESSIONALS.

Section 263 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3073) is amended—

(1) by striking ''The Secretary'' and inserting ''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) LICENSURE OF HEALTH-CARE PROFESSIONALS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law regarding the licensure of health-care providers, a health-care professional described in paragraph (2) may practice the health profession or professions of the health-care professional at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, or in any other area within or beyond the jurisdiction of the United States, regardless of where the health-care professional or the patient of the health-care professional is located, if the practice is within the scope of the authorized Federal duties of the health-care professional.

''(2) HEALTH-CARE PROFESSIONAL DESCRIBED.—A health-care professional described in this paragraph is a health-care professional—

''(A) who is—

''(i) a member of the commissioned officer corps of the Administration;

''(ii) a civilian employee of the Administration;

''(iii) an officer or employee of the Public Health Service who is assigned or detailed to the Administration; or

''(iv) any other health-care professional credentialed and privileged at a Federal health-care institution or location specially designated by the Secretary; and

''(B) who—

''(i) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

''(ii) is performing authorized duties for the Administration.

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

''(A) HEALTH-CARE PROFESSIONAL.—The term 'health-care professional' has the meaning given that term in section 1094(e) of title 10, United States Code, except that such section shall be applied and administered by substituting 'Secretary of Commerce' for 'Secretary of Defense' each place it appears.

''(B) LICENSE.—The term 'license' has the meaning given that term in such section.''.

SEC. 5707. IMPROVING PROFESSIONAL MARINER STAFFING.

(a) IN GENERAL.—Subtitle E of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 269B. SHORE LEAVE FOR PROFESSIONAL MARINERS.

''(a) IN GENERAL.—The Under Secretary may prescribe regulations relating to shore leave for professional mariners without regard to the requirements of section 6305 of title 5, United States Code.

''(b) REQUIREMENTS.—The regulations prescribed under subsection (a) shall—

''(1) require that a professional mariner serving aboard an ocean-going vessel be granted a leave of absence of four days per pay period; and

''(2) provide that a professional mariner serving in a temporary promotion position aboard a vessel may be paid the difference between the mariner's temporary and permanent rates of pay for leave accrued while serving in the temporary promotion position.

''(c) PROFESSIONAL MARINER DEFINED.—In this section, the term 'professional mariner' means an individual employed on a vessel of the Administration who has the necessary expertise to serve in the engineering, deck, steward, electronic technician, or survey department.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269A the following:

''Sec. 269B. Shore leave for professional mariners.''.

SEC. 5708. LEGAL ASSISTANCE.

Section 1044(a)(3) of title 10, United States Code, is amended by inserting ''or the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''Public Health Service''.

SEC. 5709. ACQUISITION OF AIRCRAFT FOR EXTREME WEATHER RECONNAISSANCE.

(a) INCREASED FLEET CAPACITY.—

(1) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall acquire adequate aircraft platforms with the necessary observation and modification requirements—

(A) to meet agency-wide air reconnaissance and research mission requirements, particularly with respect to hurricanes and tropical cyclones, and also for atmospheric chemistry, climate, air quality for public health, full-season fire weather research and operations, full-season atmospheric river air reconnaissance observations, and other mission areas; and

(B) to ensure data and information collected by the aircraft are made available to all users for research and operations purposes.

(2) CONTRACTS.—In carrying out paragraph (1), the Under Secretary shall negotiate and enter into 1 or more contracts or other agreements, to the extent practicable and necessary, with 1 or more governmental, commercial, or nongovernmental entities.

(3) DERIVATION OF FUNDS.—For each of fiscal years 2023 through 2026, amounts to support the implementation of paragraphs (1) and (2) shall be derived—

(A) from amounts appropriated to the Office of Marine and Aviation Operations of the National Oceanic and Atmospheric Administration and available for the purpose of atmospheric river reconnaissance; and

(B) if amounts described in subparagraph (A) are insufficient to support the implementation of paragraphs (1) and (2), from amounts appropriated to that Office and available for purposes other than atmospheric river reconnaissance.

(b) ACQUISITION OF AIRCRAFT TO REPLACE THE WP–3D AIRCRAFT.—

(1) IN GENERAL.—Not later than September 30, 2023, the Under Secretary shall enter into a contract for the acquisition of 6 aircraft to replace the WP–3D aircraft that provides for—

(A) the first newly acquired aircraft to be fully operational before the retirement of the last WP–3D aircraft operated by the National Oceanic and Atmospheric Administration; and

(B) the second newly acquired aircraft to be fully operational not later than 1 year after the first such aircraft is required to be fully operational under subparagraph (A).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Under Secretary $1,800,000,000, without fiscal year limitation, for the acquisition of the aircraft under paragraph (1).

SEC. 5710. REPORT ON PROFESSIONAL MARINER STAFFING MODELS.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees specified in subsection (c) a report on staffing issues relating to professional mariners within the Office of Marine and Aviation Operations of the National Oceanic and Atmospheric Administration.

(b) ELEMENTS.—The report required by subsection (a) shall include consideration of—

(1) the challenges the Office of Marine and Aviation Operations faces in recruiting and retaining qualified professional mariners;

(2) workforce planning efforts to address those challenges; and

(3) other models or approaches that exist, or are under consideration, to provide incentives for the retention of qualified professional mariners.

(c) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives.

(d) PROFESSIONAL MARINER DEFINED.—In this section, the term ''professional mariner'' means an individual employed on a vessel of the National Oceanic and Atmospheric Administration who has the necessary expertise to serve in the engineering, deck, steward, or survey department.

Subtitle B—Other Matters

SEC. 5711. CONVEYANCE OF CERTAIN PROPERTY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION IN JUNEAU, ALASKA.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City and Borough of Juneau, Alaska.

(2) MASTER PLAN.—The term ''Master Plan'' means the Juneau Small Cruise Ship Infrastructure Master Plan released by the Docks and Harbors Board and Port of Juneau for the City and dated March 2021.

(3) PROPERTY.—The term ''Property'' means the parcel of real property consisting of approximately 2.4 acres, including tidelands, owned by the United States and under administrative custody and control of the National Oceanic and Atmospheric Administration and located at 250 Egan Drive, Juneau, Alaska, including any improvements thereon that are not authorized or required by another provision of law to be conveyed to a specific individual or entity.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

(b) CONVEYANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may convey, at fair market value, all right, title, and interest of the United States in and to the Property, subject to subsection (c) and the requirements of this section.

(2) TERMINATION OF AUTHORITY.—The authority provided by paragraph (1) shall terminate on the date that is 3 years after the date of the enactment of this Act.

(c) RIGHT OF FIRST REFUSAL.—The City shall have the right of first refusal with respect to the purchase, at fair market value, of the Property.

(d) SURVEY.—The exact acreage and legal description of the Property shall be determined by a survey satisfactory to the Secretary.

(e) CONDITION; QUITCLAIM DEED.—If the Property is conveyed under this section, the Property shall be conveyed—

(1) in an ''as is, where is'' condition; and

(2) via a quitclaim deed.

(f) FAIR MARKET VALUE.—

(1) IN GENERAL.—The fair market value of the Property shall be—

(A) determined by an appraisal that—

(i) is conducted by an independent appraiser selected by the Secretary; and

(ii) meets the requirements of paragraph (2); and

(B) adjusted, at the Secretary's discretion, based on the factors described in paragraph (3).

(2) APPRAISAL REQUIREMENTS.—An appraisal conducted under paragraph (1)(A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) FACTORS.—The factors described in this paragraph are—

(A) matters of equity and fairness;

(B) actions taken by the City regarding the Property, if the City exercises its right of first refusal under subsection (c), including—

(i) comprehensive waterfront planning, site development, and other redevelopment activities supported by the City in proximity to the Property in furtherance of the Master Plan;

(ii) in-kind contributions made to facilitate and support use of the Property by governmental agencies; and

(iii) any maintenance expenses, capital improvement, or emergency expenditures made necessary to ensure public safety and access to and from the Property; and

(C) such other factors as the Secretary considers appropriate.

(g) COSTS OF CONVEYANCE.—If the City exercises its right of first refusal under subsection (c), all reasonable and necessary

costs, including real estate transaction and environmental documentation costs, associated with the conveyance of the Property to the City under this section may be shared equitably by the Secretary and the City, as determined by the Secretary, including with the City providing in-kind contributions for any or all of such costs.

(h) PROCEEDS.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, any proceeds from a conveyance of the Property under this section shall—

(1) be deposited in an account or accounts of the National Oceanic and Atmospheric Administration that exists as of the date of the enactment of this Act;

(2) used to cover costs associated with the conveyance, related relocation efforts, and other facility and infrastructure projects in Alaska; and

(3) remain available until expended, without further appropriation.

(i) MEMORANDUM OF AGREEMENT.—If the City exercises its right of first refusal under subsection (c), before finalizing a conveyance to the City under this section, the Secretary and the City shall enter into a memorandum of agreement to establish the terms under which the Secretary shall have future access to, and use of, the Property to accommodate the reasonable expectations of the Secretary for future operational and logistical needs in southeast Alaska.

(j) RESERVATION OR EASEMENT FOR ACCESS AND USE.—The conveyance authorized under this section shall be subject to a reservation providing, or an easement granting, the Secretary, at no cost to the United States, a right to access and use the Property that—

(1) is compatible with the Master Plan; and

(2) authorizes future operational access and use by other Federal, State, and local government agencies that have customarily used the Property.

(k) LIABILITY.—

(1) AFTER CONVEYANCE.—An individual or entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out on or after the date and time of the conveyance of the Property.

(2) BEFORE CONVEYANCE.—The United States shall remain responsible for any liability the United States incurred with respect to activities the United States carried out on the Property before the date and time of the conveyance of the Property.

(l) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate and reasonable to protect the interests of the United States.

(m) ENVIRONMENTAL COMPLIANCE.—Nothing in this section may be construed to affect or limit the application of or obligation to comply with any applicable environmental law, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(n) CONVEYANCE NOT A MAJOR FEDERAL ACTION.—A conveyance under this section shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

TITLE LVIII—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

SEC. 5801. TECHNICAL CORRECTION.

Section 319(b) of title 14, United States Code, is amended by striking ''section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)'' and inserting ''section 44801 of title 49''.

SEC. 5802. REINSTATEMENT.

(a) REINSTATEMENT.—The text of section 12(a) of the Act of June 21, 1940 (33 U.S.C. 522(a)), popularly known as the ''Truman-Hobbs Act'', is—

(1) reinstated as it appeared on the day before the date of the enactment of section 8507(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4754); and

(2) redesignated as the sole text of section 12 of the Act of June 21, 1940 (33 U.S.C. 522).

(b) EFFECTIVE DATE.—The provision reinstated by subsection (a) shall be treated as if such section 8507(b) had never taken effect.

(c) CONFORMING AMENDMENT.—The provision reinstated under subsection (a) is amended by striking '', except to the extent provided in this section''.

SEC. 5803. TERMS AND VACANCIES.

Section 46101(b) of title 46, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking ''one year'' and inserting ''2 years''; and

(B) by striking ''2 terms'' and inserting ''3 terms''; and

(2) in paragraph (3)—

(A) by striking ''of the individual being succeeded'' and inserting ''to which such individual is appointed'';

(B) by striking ''2 terms'' and inserting ''3 terms''; and

(C) by striking ''the predecessor of that'' and inserting ''such''.

TITLE LIX—RULE OF CONSTRUCTION

SEC. 5901. RULE OF CONSTRUCTION.

Nothing in this divisions may be construed—

(1) to satisfy any requirement for government-to-government consultation with Tribal governments; or

(2) to affect or modify any treaty or other right of any Tribal government.

SA 6436. Ms. CANTWELL (for herself 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, add the following:

DIVISION E—OCEANS AND ATMOSPHERE

SEC. 5001. TABLE OF CONTENTS.

The table of contents for this division is as follows:

(a) IN GENERAL.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) by redesignating sections 209 and 210 as sections 217 and 218, respectively;

(2) by striking sections 202 through 208 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 and non-Federal stakeholders 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, and community-based coral reef management by covered States and covered Native entities, 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, complement, and strengthen community-based management programs and conservation and restoration projects of non-Federal reefs;

''(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 exigent circumstances that pose immediate and long-term threats to coral reefs, such as coral disease, invasive or nuisance species, coral bleaching, natural disasters, and industrial or mechanical disasters, such as vessel groundings, hazardous spills, or coastal construction accidents; and

''(8) to serve as a model for advancing similar international efforts to monitor, conserve, and restore coral reef ecosystems.

''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 204; and

''(3) coral reef action plans in effect under section 205, 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 in situ and remotely sensed 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, 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, 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 through navigational aids and expansion of reef-safe anchorages and mooring buoy systems, to enhance recreational access while preventing or minimizing the likelihood of vessel impacts or other physical damage to 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; and

''(10) centrally archiving, managing, and distributing data sets and coral reef ecosystem assessments and publishing such information on publicly available internet websites, by means such as leveraging and partnering with existing data repositories, 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.

''SEC. 204. NATIONAL CORAL REEF RESILIENCE STRATEGY.

''(a) IN GENERAL.—The Administrator shall—

''(1) not later than 2 years after the date of the enactment of the Restoring Resilient Reefs Act of 2022, develop a national coral reef resilience strategy; and

''(2) periodically thereafter, but not less frequently than once every 15 years (and not less frequently than once every 5 years, in the case of guidance on best practices under subsection (b)(4)), review and revise the strategy as appropriate.

''(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 reef managers and covered reef managers;

''(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 and solutions; 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, covered reef managers;

''(G) science-based adaptive management and restoration efforts; and

''(H) management of coral reef emergencies and disasters.

''(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 cooperative agreements under section 208; and

''(C) research priorities for the reef research coordination institutes designated under section 214.

''(3) A designation of priority areas for conservation, and priority areas for restoration, to support the review and approval of grants under section 213(e).

''(4) General templates for use by covered reef managers and Federal reef managers to guide the development of coral reef action plans under section 205, including guidance on the best science-based practices to respond to coral reef emergencies that can be included in coral reef action plans.

''(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 covered Native entities;

''(2) engage stakeholders, including covered States, coral reef stewardship partnerships, reef research coordination institutes and research centers designated under section 214, and recipients of grants under section 213; 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.

''SEC. 205. CORAL REEF ACTION PLANS.

''(a) PLANS PREPARED BY FEDERAL REEF MANAGERS.—

''(1) IN GENERAL.—Not later than 3 years after the date of the enactment of the Restoring Resilient Reefs Act of 2022, each Federal reef manager shall—

''(A) prepare a coral reef action plan to guide management and restoration activities to be undertaken within the responsibilities and jurisdiction of the manager; or

''(B) in the case of a reef under the jurisdiction of a Federal reef manager for which there is a management plan in effect as of such date of enactment, update that plan to comply with the requirements of this subsection.

''(2) ELEMENTS.—A plan prepared under paragraph (1) by a Federal reef manager shall include a discussion of the following:

''(A) Short- and mid-term coral reef conservation and restoration objectives within the jurisdiction of the manager.

''(B) A current adaptive management framework to inform research, monitoring, and assessment needs.

''(C) Tools, strategies, and partnerships necessary to identify, monitor, and address pollution and water quality impacts to coral reef ecosystems within the jurisdiction of the manager.

''(D) The status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager.

''(E) Estimated budgetary and resource considerations necessary to carry out the plan.

''(F) Contingencies for response to and recovery from emergencies and disasters.

''(G) In the case of an updated plan, annual records of significant management and restoration actions taken under the previous plan, cash and non-cash resources used to undertake the actions, and the source of such resources.

''(H) Documentation by the Federal reef manager that the plan is consistent with the national coral reef resilience strategy in effect under section 204.

''(I) A data management plan to ensure data, assessments, and accompanying information are appropriately preserved, curated, publicly accessible, and broadly reusable.

''(3) SUBMISSION TO TASK FORCE.—Each Federal reef manager shall submit a plan prepared under paragraph (1) to the Task Force.

''(4) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.—Each plan prepared under paragraph (1) shall be subject to the requirements of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(b) PLANS PREPARED BY COVERED REEF MANAGERS.—

''(1) IN GENERAL.—A covered reef manager may elect to prepare, submit to the Task Force, and maintain a coral reef action plan to guide management and restoration activities to be undertaken within the responsibilities and jurisdiction of the manager.

''(2) EFFECTIVE PERIOD.—A plan prepared under this subsection shall remain in effect for 5 years, or until an updated plan is submitted to the Task Force, whichever occurs first.

''(3) ELEMENTS.—A plan prepared under paragraph (1) by a covered reef manager—

''(A) shall contain a discussion of—

''(i) short- and mid-term coral reef conservation and restoration objectives within the jurisdiction of the manager;

''(ii) estimated budgetary and resource considerations necessary to carry out the plan;

''(iii) in the case of an updated plan, annual records of significant management and restoration actions taken under the previous plan, cash and non-cash resources used to undertake the actions, and the source of such resources; and

''(iv) contingencies for response to and recovery from emergencies and disasters; and

''(B) may contain a discussion of—

''(i) the status of efforts to improve coral reef ecosystem management cooperation and integration between Federal reef managers and covered reef managers, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the jurisdiction of the manager;

''(ii) a current adaptive management framework to inform research, monitoring, and assessment needs;

''(iii) tools, strategies, and partnerships necessary to identify, monitor, and address pollution and water quality impacts to coral reef ecosystems within the jurisdiction of the manager; and

''(iv) a data management plan to ensure data, assessments, and accompanying information are appropriately preserved, curated, publicly accessible, and broadly reusable..

''(c) TECHNICAL ASSISTANCE.—The Administrator and the Task Force shall make all reasonable efforts to provide technical assistance upon request by a Federal reef manager or covered reef manager developing a coral reef action plan under this section.

''(d) 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.

''SEC. 206. CORAL REEF STEWARDSHIP PARTNERSHIPS.

''(a) IN GENERAL.—To further the community-based stewardship of coral reefs, coral reef stewardship partnerships for Federal and non-Federal coral reefs may be established in accordance with this section.

''(b) STANDARDS AND PROCEDURES.—The Administrator shall develop and adopt—

''(1) standards for identifying individual coral reefs and ecologically significant units of coral reefs; and

''(2) processes for adjudicating multiple applicants for stewardship of the same coral reef or ecologically significant unit of a reef to ensure no geographic overlap in representation among stewardship partnerships authorized by this section.

''(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 unit 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 chairperson of the coral reef stewardship partnership.

''(2) A State or county's resource management agency.

''(3) A coral reef research center designated under section 214(b).

''(4) A nongovernmental organization.

''(5) Such other members as the partnership considers appropriate, such as interested stakeholder groups and covered Native entities.

''(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 or county's resource management agency or a covered Native entity, a representative of which shall serve as the chairperson of the coral reef stewardship partnership.

''(B) A coral reef research center designated under section 214(b).

''(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.

''(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 chairperson of the partnership referred to in paragraph (1)(A); and

''(ii) the chairperson 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 under this section.

''SEC. 207. BLOCK GRANTS.

''(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 in accordance with this section. The Administrator shall review each covered State's application for block grant funding to ensure that applications are consistent with applicable action plans and the national coral reef resilience strategy in effect under section 204.

''(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 FOR CERTAIN FISCAL YEARS.—The Administrator may waive the requirement under paragraph (1) during fiscal years 2023 and 2024.

''(c) FUNDING FORMULA.—Subject to the availability of appropriations, 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, as reported within the previous fiscal year; and

''(B) an additional amount, from any funds appropriated for block grants under this section that remain after distribution under subparagraph (A) and paragraph (1), 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 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).

''SEC. 208. COOPERATIVE AGREEMENTS.

''(a) IN GENERAL.—The Administrator shall seek to enter into cooperative agreements with covered States to fund coral reef conservation and restoration activities in waters managed under the jurisdiction of those covered States that are consistent with the national coral reef resilience strategy in effect under section 204 and any applicable action plans under section 205.

''(b) ALL ISLANDS COMMITTEE.—The Administrator may enter into a cooperative agreement with the All Islands Committee of the Task Force to provide support for its activities.

''(c) FUNDING.—Cooperative agreements under subsection (a) shall provide not less than $500,000 to each covered State and are not subject to any matching requirement.

''SEC. 209. CORAL REEF STEWARDSHIP FUND.

''(a) AGREEMENT.—The Administrator shall seek to 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.—

''(1) IN GENERAL.—The Foundation shall establish an account, which shall—

''(A) be known as the 'Coral Reef Stewardship Fund' (in this section referred to as the 'Fund'); and

''(B) serve as the successor to the account known before the date of the enactment of the Restoring Resilient Reefs Act of 2022 as the Coral Reef Conservation Fund and administered through a public-private partnership with the Foundation.

''(2) DEPOSITS.—The Foundation shall deposit funds received under this section into the Fund.

''(3) PURPOSES.—The Fund shall be available solely to support coral reef stewardship activities that—

''(A) further the purposes of this title; and

''(B) are consistent with—

''(i) the national coral reef resilience strategy in effect under section 204; and

''(ii) 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.

''(4) INVESTMENT OF AMOUNTS.—

''(A) INVESTMENT OF AMOUNTS.—The Foundation shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

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

''(5) 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—

''(A) this section; and

''(B) the national coral reef resilience strategy in effect under section 204.

''(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.

''(d) ADMINISTRATION.—Under an agreement entered into pursuant to subsection (a), and subject to the availability of appropriations, 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 covered Native entities.

''SEC. 210. EMERGENCY ASSISTANCE.

''(a) IN GENERAL.—Notwithstanding any other provision of law, from funds appropriated pursuant to the authorization of appropriations under section 217, the Administrator may provide emergency assistance to any covered State or coral reef stewardship partnership to respond to immediate harm to coral reefs or coral reef ecosystems arising from any of the exigent circumstances described in subsection (b).

''(b) CORAL REEF EXIGENT CIRCUMSTANCES.—The Administrator shall develop a list of, and criteria for, circumstances that pose an exigent threat to coral reefs, 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) industrial or mechanical incidents, such as vessel groundings, hazardous spills, or coastal construction accidents; and

''(6) other circumstances that pose an urgent threat to coral reefs.

''(c) ANNUAL REPORT ON EXIGENT CIRCUMSTANCES.—On February 1 of each year, the Administrator 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 report that—

''(1) describes locations with exigent circumstances described in subsection (b) that were considered but declined for emergency assistance, and the rationale for the decision; and

''(2) with respect to each instance in which emergency assistance under this section was provided—

''(A) the location and a description of the exigent circumstances that prompted the emergency assistance, the entity that received the assistance, and the current and expected outcomes from the assistance;

''(B) a description of activities of the National Oceanic and Atmospheric Administration that were curtailed as a result of providing the emergency assistance;

''(C) in the case of an incident described in subsection (b)(5), a statement of whether legal action was commenced under subsection (c), and the rationale for the decision; and

''(D) an assessment of whether further action is needed to restore the affected coral reef, recommendations for such restoration, and a cost estimate to implement such recommendations.

''SEC. 211. CORAL REEF DISASTER FUND.

''(a) AGREEMENTS.—The Administrator shall seek to 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.—

''(1) IN GENERAL.—The Foundation shall establish an account, to be known as the 'Coral Reef Disaster Fund' (in this section referred to as the 'Fund').

''(2) DEPOSITS.—The Foundation shall deposit funds received under this section into the Fund.

''(3) PURPOSES.—The Fund shall be available solely to support the long-term recovery of coral reefs from exigent circumstances described in section 210—

''(A) in partnership with non-Federal stakeholders; and

''(B) in a manner that is consistent with—

''(i) the national coral reef resilience strategy in effect under section 204; and

''(ii) coral reef action plans in effect, if any, under section 205.

''(4) INVESTMENT OF AMOUNTS.—

''(A) INVESTMENT OF AMOUNTS.—The Foundation shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

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

''(5) REVIEW OF PERFORMANCE.—The Administrator shall conduct continuing reviews of all deposits into, and disbursements from, the Fund. Each such review shall include a written assessment concerning the extent to which the Foundation has implemented the goals and requirements of this section.

''(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.

''(d) ADMINISTRATION.—Under an agreement entered into under subsection (a), and subject to the availability of appropriations, 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 covered Native entities.

''SEC. 212. VESSEL GROUNDING INVENTORY.

''The Administrator, in coordination with the Commandant of the Coast Guard, the Administrator of the Maritime Administration, and the heads of other Federal and State agencies as appropriate, shall establish and maintain an inventory of all vessel grounding incidents involving United States coral reefs, including a description of—

''(1) the location of each such incident;

''(2) vessel and ownership information relating to each such incident, if available;

''(3) the impacts of each such incident to coral reefs, coral reef ecosystems, and related natural resources;

''(4) the estimated cost of removal of the vessel, remediation, or restoration arising from each such incident;

''(5) any response actions taken by the owner of the vessel, the Administrator, the Commandant, or representatives of other Federal or State agencies;

''(6) the status of such response actions, including—

''(A) when the grounded vessel was removed, the costs of removal, and the how the removal was resourced;

''(B) a narrative and timeline of remediation or restoration activities undertaken by a Federal agency or agencies;

''(C) any emergency or disaster assistance provided under section 210 or 211;

''(D) any actions taken to prevent future grounding incidents; and

''(7) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

''SEC. 213. RUTH D. GATES CORAL REEF CONSERVATION GRANT PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, 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) MATCHING REQUIREMENTS FOR GRANTS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), Federal funds for any coral reef project for which a grant is provided under subsection (a) may not exceed 50 percent of the total cost of the project.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a coral reef project may be provided by in-kind contributions and other noncash support.

''(3) WAIVER.—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which an applicant can meet the matching requirement with respect to a coral reef project and the probable benefit of the project outweighs the public interest in the matching requirement.

''(c) 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 covered reef manager or a covered Native entity—

''(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 214(b); 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.

''(d) 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 (f)(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.

''(e) 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 (f).

''(2) PRIORITIZATION OF CONSERVATION PROJECTS.—The Administrator shall prioritize the awarding of funding for projects that meet the criteria for approval under subparagraphs (A) through (G) of subsection (f)(2) that are proposed to be conducted within priority areas identified for coral reef conservation by the Administrator under the national coral reef resilience strategy in effect under section 204.

''(3) PRIORITIZATION OF RESTORATION PROJECTS.—The Administrator shall prioritize the awarding of funding for projects that meet the criteria for approval under subparagraphs (E) through (L) of subsection (f)(2) that are proposed to be conducted within priority areas identified for coral reef restoration by the Administrator under the national coral reef resilience strategy in effect under section 204.

''(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, covered Native entity, 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, covered Native entity, and other government jurisdictions that provided comments under subparagraph (A).

''(f) 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 204; and

''(B) any Federal or non-Federal coral reef action plans in effect under section 205 covering a coral reef or ecologically significant unit 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;

''(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 conserve 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; or

''(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.

''(g) 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.

''(3) Not more than 67 percent of funds distributed in each region in accordance with paragraphs (1) and (2) shall be made exclusively available to projects that are—

''(A) submitted by a coral reef stewardship partnership; and

''(B) consistent with the coral reef action plan in effect under section 205 by such a partnership.

''(4) Of the funds distributed to support projects in accordance with paragraph (3), not less than 20 percent and not more than 33 percent shall be awarded for projects submitted by a Federal coral reef stewardship partnership.

''(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. NON-FEDERAL CORAL REEF RESEARCH.

''(a) REEF RESEARCH COORDINATION INSTITUTES.—

''(1) ESTABLISHMENT.—The Administrator shall designate 2 reef research coordination institutes for the purpose of advancing and sustaining essential capabilities in coral reef research, one each in the Atlantic and Pacific basins, to be known as the 'Atlantic Reef Research Coordination Institute' and the 'Pacific Reef Research Coordination Institute', respectively.

''(2) MEMBERSHIP.—Each institute designated under paragraph (1) shall be housed within a single coral reef research center designated by the Administrator under subsection (b) and may enter into contracts with other coral reef research centers designated under subsection (b) within the same basin to support the institute's capacity and reach.

''(3) FUNCTIONS.—The institutes designated 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 204;

''(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 subsection (b);

''(ii) assist in the development and implementation of—

''(I) the national coral reef resilience strategy under section 204; and

''(II) coral reef action plans under section 205;

''(iii) build capacity within non-Federal 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.

''(b) CORAL REEF RESEARCH CENTERS.—

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

''(A) periodically solicit applications for designation of qualifying institutions in covered States as coral reef research centers; and

''(B) designate all qualifying institutions in covered States as coral reef research centers.

''(2) QUALIFYING INSTITUTIONS.—For purposes of paragraph (1), an institution is a qualifying institution if the Administrator determines that the institution—

''(A) is operated by an institution of higher education or nonprofit marine research organization;

''(B) has established management-driven national or regional coral reef research or restoration programs;

''(C) has demonstrated abilities to coordinate closely with appropriate Federal and State agencies, as well as other academic and nonprofit organizations; and

''(D) maintains significant local community engagement and outreach programs related to coral reef ecosystems.

''SEC. 215. REPORTS ON ADMINISTRATION.

''Not later than 3 years after the date of the enactment of the Restoring Resilient Reefs Act of 2022, and every 2 years thereafter, the Administrator 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 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 204;

''(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.

''SEC. 216. CORAL REEF PRIZE COMPETITIONS.

''(a) IN GENERAL.—The head of any Federal agency with a representative serving on the United States Coral Reef Task Force established by Executive Order 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, including ocean acidification, temperature-related bleaching, disease, and their associated impacts on coral physiology;

''(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.'';

(3) in section 217, as redesignated by paragraph (1)—

(A) in subsection (c), by striking ''section 204'' and inserting ''section 213'';

(B) in subsection (d), by striking ''under section 207'' and inserting ''authorized under this title''; and

(C) by adding at the end the following:

''(e) BLOCK GRANTS.—There is authorized to be appropriated to the Administrator $10,000,000 for each of fiscal years 2023 through 2027 to carry out section 207.

''(f) COOPERATIVE AGREEMENTS.—There is authorized to be appropriated to the Administrator $10,000,000 for each of fiscal years 2023 through 2027 to carry out section 208.

''(g) NON-FEDERAL CORAL REEF RESEARCH.—There is authorized to be appropriated to the Administrator $4,500,000 for each of fiscal years 2023 through 2027 for agreements with the reef research coordination institutes designated under section 214.''; and

(4) by amending section 218, as redesignated by paragraph (1), to read as follows:

''SEC. 218. DEFINITIONS.

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

''(2) ALASKA NATIVE CORPORATION.—The term 'Alaska Native Corporation' has the meaning given the term 'Native Corporation' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(3) 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.

''(4) CONSERVATION.—The term 'conservation' means the use of methods and procedures necessary to preserve or sustain native 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.

''(5) 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.

''(6) 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 (5).

''(7) 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.

''(8) 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 control or affect coral calcification rates, tissue growth, reproduction, recruitment, abundance, coral-algal symbiosis, and biodiversity in such habitat.

''(9) COVERED NATIVE ENTITY.—The term 'covered Native entity' means a Native entity of a covered State with interests in a coral reef ecosystem.

''(10) COVERED REEF MANAGER.—The term 'covered reef manager' means—

''(A) a management unit of a covered State with jurisdiction over a coral reef ecosystem;

''(B) a covered State; or

''(C) a coral reef stewardship partnership under section 206(d).

''(11) 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.

''(12) FEDERAL REEF MANAGER.—

''(A) IN GENERAL.—The term 'Federal reef manager' means—

''(i) a management unit of a Federal agency specified in subparagraph (B) with lead management jurisdiction over a coral reef ecosystem; or

''(ii) a coral reef stewardship partnership under section 206(c).

''(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.

''(13) 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).

''(14) INTERESTED STAKEHOLDER GROUPS.—The term 'interested stakeholder groups' includes community members such as businesses, commercial and recreational fishermen, other recreationalists, covered Native entities, Federal, State, and local government units with related jurisdiction, institutions of higher education, and nongovernmental organizations.

''(15) NATIVE ENTITY.—The term 'Native entity' means any of the following:

''(A) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

''(B) An Alaska Native Corporation.

''(C) The Department of Hawaiian Home Lands.

''(D) The Office of Hawaiian Affairs.

''(E) A Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)).

''(16) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any corporation, trust, association, cooperative, or other organization, not including an institutions of higher education, that—

''(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

''(B) is not organized primarily for profit; and

''(C) uses net proceeds to maintain, improve, or expand the operations of the organization.

''(17) 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.

''(18) 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 ecosystem services, as determined by clearly identifiable, measurable, and science-based standards.

''(19) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(20) 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 or possession of the United States or separate sovereign in free association with the United States that contains a coral reef ecosystem within its seaward boundaries.

''(21) STEWARDSHIP.—The term 'stewardship', with respect to a coral reef, includes conservation, restoration, and public outreach and education.

''(22) TASK FORCE.—The term 'Task Force' means the United States Coral Reef Task Force established under section 201 of the Restoring Resilient Reefs Act of 2022.''.

(b) 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''.

Subtitle B—United States Coral Reef Task Force

SEC. 5121. 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. 5122. DUTIES.

The duties of the Task Force shall be—

(1) to coordinate, in cooperation with covered States, covered Native entities, Federal reef managers, covered reef managers, coral reef research centers designated under section 214(b) of the Coral Reef Conservation Act of 2000 (as amended by section 5111), 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 13089 (63 Fed. Reg. 32701; relating to coral reef protection); and

(B) the national coral reef resilience strategy developed under section 204 of the Coral Reef Conservation Act of 2000, as amended by section 5111;

(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 204 of the Coral Reef Conservation Act of 2000, as amended by section 5111; and

(B) coral reef action plans under section 205 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. 5123. 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-chairpersons 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 Administrator of the National Aeronautics and Space Administration.

(13) The Director of the National Science Foundation.

(14) 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 of the South Atlantic Fishery Management Council who is designated by the Governor of Florida under section 302(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(b)(1)).

(2) A member of the Gulf of Mexico Fishery Management Council who is designated by the Governor of Florida under such section.

(3) A member of the Western Pacific Fishery Management Council who is designated under such section and selected as follows:

(A) For the period beginning on the date of the enactment of this Act and ending on December 31 of the calendar year during which such date of enactment occurs, the member shall be selected jointly by the governors of Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(B) For each calendar year thereafter, the governors of Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands shall, on a rotating basis, take turns selecting the member.

(4) A member of the Caribbean Fishery Management Council who is designated under such section and selected as follows:

(A) For the period beginning on the date of the enactment of this Act and ending on December 31 of the calendar year during which such date of enactment occurs, the member shall be selected jointly by the governors of Puerto Rico and the United States Virgin Islands.

(B) For each calendar year thereafter, the governors of Puerto Rico and the United States Virgin Islands shall, on an alternating basis, take turns selecting the member.

(5) A member appointed by the President of the Federated States of Micronesia.

(6) A member appointed by the President of the Republic of the Marshall Islands.

(7) A member appointed by the President of the Republic of Palau.

SEC. 5124. RESPONSIBILITIES OF FEDERAL AGENCY MEMBERS.

(a) IN GENERAL.—A member of the Task Force specified in paragraphs (1) through (14) of section 5123(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-CHAIRPERSONS.—In addition to their responsibilities under subsection (a), the co-chairpersons 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 (14) of section 5123(a).

SEC. 5125. WORKING GROUPS.

(a) IN GENERAL.—The co-chairpersons 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-chairpersons establish a working group under subsection (a).

(c) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairpersons 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. 5126. DEFINITIONS.

In this subtitle:

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

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

(B) the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives.

(2) CONSERVATION, CORAL, CORAL REEF, ETC.—The terms ''conservation'', ''coral'', ''coral reef'', ''coral reef ecosystem'', ''covered Native entity'', ''covered reef manager'', ''covered State'', ''Federal reef manager'', ''Native entity'', ''restoration'', ''resilience'', and ''State'' have the meanings given those terms in section 218 of the Coral Reef Conservation Act of 2000, as amended by section 5111.

Subtitle C—Department of the Interior Coral Reef Authorities

SEC. 5131. CORAL REEF CONSERVATION AND RESTORATION ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Interior may provide scientific expertise and technical assistance, and subject to the availability of appropriations, 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 204 of the Coral Reef Conservation Act of 2000, as amended by section 5111; and

(2) coral reef action plans in effect under section 205 of that Act, as applicable.

(b) CORAL REEF INITIATIVE.—The Secretary may establish a Coral Reef Initiative Program—

(1) to provide grant funding to support local management, conservation, and protection of coral reef ecosystems in—

(A) coastal areas of covered States; and

(B) Freely Associated States;

(2) to enhance resource availability of National Park Service and National Wildlife Refuge System management units to implement coral reef conservation and restoration activities;

(3) to complement the other conservation and assistance activities conducted under this Act or the Coral Reef Conservation Act of 2000, as amended by section 5111; and

(4) to provide other technical, scientific, and financial assistance and conduct conservation and restoration activities that advance the purposes of this title and the Coral Reef Conservation Act of 2000, as amended by section 5111.

(c) CONSULTATION WITH THE DEPARTMENT OF COMMERCE.—

(1) CORAL REEF CONSERVATION AND RESTORATION ACTIVITIES.—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 section 5111.

(2) AWARD OF CORAL REEF MANAGEMENT FELLOWSHIP.—The Secretary of the Interior shall consult with the Secretary of Commerce to award the Susan L. Williams Coral Reef Management Fellowship under subtitle D.

(d) COOPERATIVE AGREEMENTS.—Subject to the availability of appropriations, 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 204 of the Coral Reef Conservation Act of 2000, as amended by section 5111; and

(2) support and enhance the success of coral reef action plans in effect under section 205 of that Act.

(e) DEFINITIONS.—In this section:

(1) CONSERVATION, CORAL, CORAL REEF, ETC.—The terms ''conservation'', ''coral reef'', ''covered reef manager'', ''covered State'', ''restoration'', and ''State'' have the meanings given those terms in section 218 of the Coral Reef Conservation Act of 2000, as amended by section 5111.

(2) TRIBE; TRIBAL.—The terms ''Tribe'' and ''Tribal'' refer to Indian Tribes (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130)).

Subtitle D—Susan L. Williams National Coral Reef Management Fellowship

SEC. 5141. SHORT TITLE.

This subtitle may be cited as the ''Susan L. Williams National Coral Reef Management Fellowship Act of 2022''.

SEC. 5142. DEFINITIONS.

In this subtitle:

(1) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the meaning given the term ''Native Corporation'' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(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 5143.

(4) COVERED NATIVE ENTITY.—The term ''covered Native entity'' means a Native entity of a covered State with interests in a coral reef ecosystem.

(5) 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.

(6) NATIVE ENTITY.—The term ''Native entity'' means any of the following:

(A) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(B) An Alaska Native Corporation.

(C) The Department of Hawaiian Home Lands.

(D) The Office of Hawaiian Affairs.

(E) A Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 5143. 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 covered States or covered Native entities with highly qualified candidates whose education and work experience meet the specific needs of each covered State or covered Native entity; and

(3) to provide fellows with professional experience in management of coastal and coral reef resources.

SEC. 5144. FELLOWSHIP AWARDS.

(a) IN GENERAL.—The Secretary, in partnership 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 Secretary 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, a resource management college or graduate degree with 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 Secretary considers appropriate.

SEC. 5145. MATCHING REQUIREMENT.

(a) IN GENERAL.—Except as provided in subsection (b), the non-Federal share of the costs of a fellowship under this section shall be 25 percent of such costs.

(b) WAIVER OF REQUIREMENTS.—The Secretary may waive the application of subsection (a) if the Secretary finds that such waiver is necessary to support a project that the Secretary has identified as a high priority.

TITLE LII—BOLSTERING LONG-TERM UNDERSTANDING AND EXPLORATION OF THE GREAT LAKES, OCEANS, BAYS, AND ESTUARIES

SEC. 5201. SHORT TITLE.

This title may be cited as the ''Bolstering Long-term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries Act'' or the ''BLUE GLOBE Act''.

SEC. 5202. PURPOSE.

The purpose of this title 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. 5203. SENSE OF CONGRESS.

It is the sense of Congress that Federal agencies should optimize data collection, management, and dissemination, to the extent practicable, to maximize their impact for research, conservation, 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.

SEC. 5204. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—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.

(2) 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).

SEC. 5205. 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 such Act (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 such Act (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 Bolstering Long-term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries Act'';

(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 such Act (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. 5206. ACCELERATING INNOVATION AT COOPERATIVE INSTITUTES.

(a) FOCUS ON EMERGING TECHNOLOGIES.—The Administrator shall consider evaluating the goals of one or more Cooperative Institutes of the National Oceanic and Atmospheric Administration to 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 model outputs, electronic monitoring, and remote sensing.

(b) COORDINATION WITH OTHER PROGRAMS.—If appropriate, 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. 5208. BLUE ECONOMY VALUATION.

(a) MEASUREMENT OF BLUE ECONOMY INDUSTRIES.—The Administrator, in consultation with the heads of other relevant Federal agencies, shall establish a program to improve 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 energy development and siting including for renewable energy, offshore mineral production, ship and boat building, tourism, recreation, subsistence, commercial, recreational, and charter fishing, seafood processing, and other fishery-related businesses, aquaculture such as kelp and shellfish, and 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, Tribal, 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 until the date that is 20 years after the date of the enactment of this Act, the Administrator, in consultation with the heads of other relevant Federal agencies, shall publish a report that—

(1) defines the Blue Economy, in coordination with Indian Tribes, academia, the private sector, 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. 5210. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are to be authorized to carry out this title.

SEC. 5211. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out this title.

TITLE LIII—REGIONAL OCEAN PARTNERSHIPS

SEC. 5301. SHORT TITLE.

This title may be cited as the ''Regional Ocean Partnership Act''.

SEC. 5302. FINDINGS; SENSE OF CONGRESS; PURPOSES.

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

(1) The ocean and coastal waters and the Great Lakes of the United States are foundational to the economy, security, global competitiveness, and well-being of the United States and continuously serve the people of the United States and other countries as an important source of food, energy, economic productivity, recreation, beauty, and enjoyment.

(2) Over many years, the resource productivity and water quality of the ocean, coastal, and Great Lakes areas of the United States have been diminished by pollution, increasing population demands, economic development, and natural and man-made hazard events, both acute and chronic.

(3) The ocean, coastal, and Great Lakes areas of the United States are managed by State and Federal resource agencies and Indian Tribes and regulated on an interstate and regional scale by various overlapping Federal authorities, thereby creating a significant need for interstate coordination to enhance regional priorities, including the ecological and economic health of those areas.

(4) Indian Tribes have unique expertise and knowledge important for the stewardship of the ocean and coastal waters and the Great Lakes of the United States.

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

(1) the United States should seek to support interstate coordination of shared regional priorities relating to the management, conservation, resilience, and restoration of ocean, coastal, and Great Lakes areas to maximize efficiencies through collaborative regional efforts by Regional Ocean Partnerships, in coordination with Federal and State agencies, Indian Tribes, and local authorities;

(2) such efforts would enhance existing and effective ocean, coastal, and Great Lakes management efforts of States and Indian Tribes based on shared regional priorities; and

(3) Regional Ocean Partnerships should coordinate with Indian Tribes.

(c) PURPOSES.—The purposes of this title are as follows:

(1) To complement and expand cooperative voluntary efforts intended to manage, conserve, and restore ocean, coastal, and Great Lakes areas spanning across multiple State and Indian Tribe jurisdictions.

(2) To expand Federal support for monitoring, data management, restoration, research, and conservation activities in ocean, coastal, and Great Lakes areas.

(3) To commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, oceans, coastal, and Great Lakes ecosystems.

(4) To authorize Regional Ocean Partnerships as intergovernmental coordinators for shared regional priorities among States and Indian Tribes relating to the collaborative management of the large marine ecosystems, thereby reducing duplication of efforts and maximizing opportunities to leverage support in the ocean and coastal regions.

(5) To empower States to take a lead role in managing oceans, coastal, and Great Lakes areas.

(6) To incorporate rights of Indian Tribes in the management of oceans, coasts, and Great Lakes resources and provide resources to support Indian Tribe participation in and engagement with Regional Ocean Partnerships.

(7) To enable Regional Ocean Partnerships, or designated fiscal management entities of such partnerships, to receive Federal funding to conduct the scientific research, conservation and restoration activities, and priority coordination on shared regional priorities necessary to achieve the purposes described in paragraphs (1) through (6).

SEC. 5303. REGIONAL OCEAN PARTNERSHIPS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term ''coastal state'' has the meaning given that term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) 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).

(4) REGIONAL OCEAN PARTNERSHIP.—The term ''Regional Ocean Partnership'' means a Regional Ocean Partnership, a Regional Coastal Partnership, or a Regional Great Lakes Partnership.

(b) REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A coastal state may participate in a Regional Ocean Partnership with one or more—

(A) coastal states that share a common ocean or coastal area with the coastal state, without regard to whether the coastal states are contiguous; and

(B) States—

(i) with which the coastal state shares a common watershed; or

(ii) that would contribute to the priorities of the partnership.

(2) GREAT LAKES.—A partnership consisting of one or more coastal states bordering one or more of the Great Lakes may be known as a ''Regional Coastal Partnership'' or a ''Regional Great Lakes Partnership''.

(3) APPLICATION.—The Governor of a coastal state or the Governors of a group of coastal states may apply to the Secretary of Commerce, on behalf of a partnership, for the partnership to receive designation as a Regional Ocean Partnership if the partnership—

(A) meets the requirements under paragraph (4); and

(B) submits an application for such designation in such manner, in such form, and containing such information as the Secretary may require.

(4) REQUIREMENTS.—A partnership is eligible for designation as a Regional Ocean Partnership by the Secretary under paragraph (3) if the partnership—

(A) is established to coordinate the management of ocean, coastal, and Great Lakes resources among State governments and Indian Tribes;

(B) focuses on the environmental issues affecting the ocean, coastal, and Great Lakes areas of the members participating in the partnership;

(C) complements existing coastal and ocean management efforts of States and Indian Tribes on an interstate scale, focusing on shared regional priorities;

(D) does not have a regulatory function; and

(E) is not duplicative of an existing Regional Ocean Partnership designated under paragraph (5), as determined by the Secretary.

(5) DESIGNATION OF CERTAIN ENTITIES AS REGIONAL OCEAN PARTNERSHIPS.—Notwithstanding paragraph (3) or (4), the following entities are designated as Regional Ocean Partnerships:

(A) The Gulf of Mexico Alliance, comprised of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

(B) The Northeast Regional Ocean Council, comprised of the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

(C) The Mid-Atlantic Regional Council on the Ocean, comprised of the States of New York, New Jersey, Delaware, Maryland, and Virginia.

(D) The West Coast Ocean Alliance, comprised of the States of California, Oregon, and Washington and the coastal Indian Tribes therein.

(c) GOVERNING BODIES OF REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) shall have a governing body.

(2) MEMBERSHIP.—A governing body described in paragraph (1)—

(A) shall be comprised, at a minimum, of voting members from each coastal state participating in the Regional Ocean Partnership, designated by the Governor of the coastal state; and

(B) may include such other members as the partnership considers appropriate.

(d) FUNCTIONS.—A Regional Ocean Partnership designated under subsection (b) may perform the following functions:

(1) Promote coordination of the actions of the agencies of coastal states participating in the partnership with the actions of the appropriate officials of Federal agencies, State governments, and Indian Tribes in developing strategies—

(A) to conserve living resources, increase valuable habitats, enhance coastal resilience and ocean management, promote ecological and economic health, and address such other issues related to the shared ocean, coastal, or Great Lakes areas as are determined to be a shared, regional priority by those states; and

(B) to manage regional data portals and develop associated data products for purposes that support the priorities of the partnership.

(2) In cooperation with appropriate Federal and State agencies, Indian Tribes, and local authorities, develop and implement specific action plans to carry out coordination goals.

(3) Coordinate and implement priority plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the goals of the partnership through the provision of grants and contracts under subsection (f).

(4) Engage, coordinate, and collaborate with relevant governmental entities and stakeholders to address ocean and coastal related matters that require interagency or intergovernmental solutions.

(5) Implement outreach programs for public information, education, and participation to foster stewardship of the resources of the ocean, coastal, and Great Lakes areas, as relevant.

(6) Develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to cross-jurisdictional issues being addressed through the coordinated activities of the partnership.

(7) Serve as a liaison with, and provide information to, international counterparts, as appropriate on priority issues for the partnership.

(e) COORDINATION, CONSULTATION, AND ENGAGEMENT.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) shall maintain mechanisms for coordination, consultation, and engagement with the following:

(A) The Federal Government.

(B) Indian Tribes.

(C) Nongovernmental entities, including academic organizations, nonprofit organizations, and private sector entities.

(D) Other federally mandated regional entities, including the Regional Fishery Management Councils, the regional associations of the National Integrated Coastal and Ocean Observation System, and relevant Marine Fisheries Commissions.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(B) may be construed as affecting any requirement to consult with Indian Tribes under Executive Order 13175 (25 U.S.C. 5301 note; relating to consultation and coordination with Indian tribal governments) or any other applicable law or policy.

(f) GRANTS AND CONTRACTS.—

(1) IN GENERAL.—A Regional Ocean Partnership designated under subsection (b) may, in coordination with existing Federal and State management programs, from amounts made available to the partnership by the Administrator or the head of another Federal agency, provide grants and enter into contracts for the purposes described in paragraph (2).

(2) PURPOSES.—The purposes described in this paragraph include any of the following:

(A) Monitoring the water quality and living resources of multi-State ocean and coastal ecosystems and coastal communities.

(B) Researching and addressing the effects of natural and human-induced environmental changes on—

(i) ocean and coastal ecosystems; and

(ii) coastal communities.

(C) Developing and executing cooperative strategies that—

(i) address regional data issues identified by the partnership; and

(ii) will result in more effective management of common ocean and coastal areas.

(g) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Administrator, in coordination with the Regional Ocean Partnerships designated under subsection (b), shall submit to Congress a report on the partnerships.

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

(A) An assessment of the overall status of the work of the Regional Ocean Partnerships designated under subsection (b).

(B) An assessment of the effectiveness of the partnerships in supporting regional priorities relating to the management of common ocean, coastal, and Great Lakes areas.

(C) An assessment of the effectiveness of the strategies that the partnerships are supporting or implementing and the extent to which the priority needs of the regions covered by the partnerships are being met through such strategies.

(D) An assessment of how the efforts of the partnerships support or enhance Federal and State efforts consistent with the purposes of this title.

(E) Such recommendations as the Administrator may have for improving—

(i) efforts of the partnerships to support the purposes of this title; and

(ii) collective strategies that support the purposes of this title in coordination with all relevant Federal and State entities and Indian Tribes.

(F) The distribution of funds from each partnership for each fiscal year covered by the report.

(h) AVAILABILITY OF FEDERAL FUNDS.—In addition to amounts made available to the Regional Ocean Partnerships designated under subsection (b) by the Administrator under this section, the head of any other Federal agency may provide grants to, enter into contracts with, or otherwise provide funding to such partnerships.

(i) AUTHORITIES.—Nothing in this section establishes any new legal or regulatory authority of the National Oceanic and Atmospheric Administration or of the Regional Ocean Partnerships designated under subsection (b), other than—

(1) the authority of the Administrator to provide amounts to the partnerships; and

(2) the authority of the partnerships to provide grants and enter into contracts under subsection (f).

TITLE LIV—NATIONAL OCEAN EXPLORATION

SEC. 5401. SHORT TITLE.

This title may be cited as the ''National Ocean Exploration Act''.

SEC. 5402. FINDINGS.

Congress makes the following findings:

(1) The health and resilience of the ocean are vital to the security and economy of the United States and to the lives of the people of the United States.

(2) The United States depends on the ocean to regulate weather and climate, to sustain and protect the diversity of life, for maritime shipping, for national defense, and for food, energy, medicine, recreation, and other services essential to the people of the United States and all humankind.

(3) The prosperity, security, and well-being of the United States depend on successful understanding and stewardship of the ocean.

(4) Interdisciplinary cooperation and engagement among government agencies, research institutions, nongovernmental organizations, States, Indian Tribes, and the private sector are essential for successful stewardship of ocean and coastal environments, national economic growth, national security, and development of agile strategies that develop, promote, and use new technologies.

(5) Ocean exploration can help the people of the United States understand how to be effective stewards of the ocean and serve as catalysts and enablers for other sectors of the economy.

(6) Mapping, exploration, and characterization of the ocean provides basic, essential information to protect and restore the marine environment, stimulate economic activity, and provide security for the United States.

(7) A robust national ocean exploration program engaging multiple Federal agencies, Indian Tribes, the private sector, nongovernmental organizations, and academia is—

(A) essential to the interests of the United States and vital to its security and economy and the health and well-being of all people of the United States; and

(B) critical to reestablish the United States at the forefront of global ocean exploration and stewardship.

SEC. 5403. DEFINITIONS.

In this title:

(1) CHARACTERIZATION.—The term ''characterization'' refers to activities that provide comprehensive data and interpretations for a specific area of interest of the seafloor, subbottom, water column, or hydrologic features, such as water masses and currents, in direct support of specific research, environmental protection, resource management, policymaking, or applied mission objectives.

(2) EXPLORATION.—The term ''exploration'' refers to activities that provide—

(A) a multidisciplinary view of an unknown or poorly understood area of the seafloor, sub-bottom, or water column; and

(B) an initial assessment of the physical, chemical, geological, biological, archeological, or other characteristics of such an area.

(3) 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).

(4) MAPPING.—The term ''mapping'' refers to activities that provide comprehensive data and information needed to understand seafloor characteristics, such as depth, topography, bottom type, sediment composition and distribution, underlying geologic structure, and benthic flora and fauna.

SEC. 5404. OCEAN POLICY COMMITTEE.

(a) SUBCOMMITTEES.—Section 8932(c) of title 10, United States Code, is amended to read as follows:

''(c) SUBCOMMITTEES.—(1) The Committee shall include—

''(A) a subcommittee to be known as the 'Ocean Science and Technology Subcommittee'; and

''(B) a subcommittee to be known as the 'Ocean Resource Management Subcommittee'.

''(2) In discharging its responsibilities in support of agreed-upon scientific needs, and to assist in the execution of the responsibilities described in subsection (b), the Committee may delegate responsibilities to the Ocean Science and Technology Subcommittee, the Ocean Resource Management Subcommittee, or another subcommittee of the Committee, as the Committee determines appropriate.''.

(b) INCREASED ACCESS TO GEOSPATIAL DATA FOR MORE EFFICIENT AND INFORMED DECISION MAKING.—

(1) ESTABLISHMENT OF DOCUMENT SYSTEM.—Section 8932(b) of title 10, United States Code, is amended—

(A) in paragraph (3), by striking ''and'' at the end;

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

(C) by adding at the end the following new paragraph:

''(5) establish or designate one or more systems for ocean-related documents prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), in accordance with subsection (h).''.

(2) ELEMENTS.—Section 8932 of such title is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection (h):

''(h) ELEMENTS OF DOCUMENT SYSTEM.—The systems established or designated under subsection (b)(5) shall include the following:

''(1) A publicly accessible, centralized digital archive of documents described in subsection (b)(5) that are finalized after the date of the enactment of the National Ocean Exploration Act, including—

''(A) environmental impact statements;

''(B) environmental assessments;

''(C) categorical exclusions;

''(D) records of decision; and

''(E) other relevant documents as determined by the Committee.

''(2) Geospatially referenced data, if any, contained in the documents under paragraph (1).

''(3) A mechanism to retrieve information through geo-information tools that can map and integrate relevant geospatial information, such as—

''(A) Ocean Report Tools;

''(B) the Environmental Studies Program Information System;

''(C) Regional Ocean Partnerships; and

''(D) the Integrated Ocean Observing System.''.

SEC. 5405. NATIONAL OCEAN MAPPING, EXPLORATION, AND CHARACTERIZATION COUNCIL.

(a) ESTABLISHMENT.—The President shall establish a council, to be known as the ''National Ocean Mapping, Exploration, and Characterization Council'' (in this section referred to as the ''Council'').

(b) PURPOSE.—The Council shall—

(1) update national priorities for ocean mapping, exploration, and characterization; and

(2) coordinate and facilitate activities to advance those priorities.

(c) REPORTING.—The Council shall report to the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code.

(d) MEMBERSHIP.—The Council shall be composed of not fewer than one senior-level representative from each of the following:

(1) The Department of the Navy.

(2) The Department of the Interior.

(3) The National Oceanic and Atmospheric Administration.

(4) The department in which the Coast Guard is operating.

(5) The Office of Management and Budget.

(6) The Office of Science and Technology Policy.

(7) The National Science Foundation.

(8) The National Aeronautics and Space Administration.

(9) The Marine Mammal Commission.

(10) The Department of Transportation.

(11) The Department of Energy.

(12) The Office of the Director of National Intelligence.

(e) CO-CHAIRS.—The Council shall be co-chaired by—

(1) two senior-level representatives from the National Oceanic and Atmospheric Administration; and

(2) one senior-level representative from the Department of the Interior.

(f) DUTIES.—The Council shall—

(1) set national ocean mapping, exploration, and characterization priorities and strategies;

(2) cultivate and facilitate transparent and sustained partnerships among Federal and State agencies, Indian Tribes, private industry, academia, and nongovernmental organizations to conduct ocean mapping, exploration, and characterization activities and related technology development;

(3) coordinate improved processes for data compilation, management, access, synthesis, and visualization with respect to ocean mapping, exploration, and characterization, with a focus on building on existing ocean data management systems, as appropriate;

(4) encourage education, workforce training, and public engagement activities that—

(A) advance interdisciplinary principles that contribute to ocean mapping, exploration, research, and characterization;

(B) improve public engagement with and understanding of ocean science; and

(C) provide opportunities for underserved populations;

(5) coordinate activities as appropriate with domestic and international ocean mapping, exploration, and characterization initiatives or programs; and

(6) establish and monitor metrics to track progress in achieving the priorities set under paragraph (1).

(g) INTERAGENCY WORKING GROUP ON OCEAN EXPLORATION AND CHARACTERIZATION.—

(1) ESTABLISHMENT.—The President shall establish a new interagency working group to be known as the ''Interagency Working Group on Ocean Exploration and Characterization''.

(2) MEMBERSHIP.—The Interagency Working Group on Ocean Exploration and Characterization shall be comprised of senior representatives from Federal agencies with ocean exploration and characterization responsibilities.

(3) FUNCTIONS.—The Interagency Working Group on Ocean Exploration and Characterization shall support the Council and the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code, on ocean exploration and characterization activities and associated technology development across the Federal Government, State governments, Indian Tribes, private industry, nongovernmental organizations, and academia.

(h) OVERSIGHT.—The Council shall oversee—

(1) the Interagency Working Group on Ocean Exploration and Characterization established under subsection (g)(1); and

(2) the Interagency Working Group on Ocean and Coastal Mapping under section 12203 of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3502).

(i) PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Council shall develop or update and submit to the appropriate committees of Congress a plan for an integrated cross-sectoral ocean mapping, exploration, and characterization initiative.

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) discuss the utility and benefits of ocean exploration and characterization;

(B) identify and describe national ocean mapping, exploration, and characterization priorities;

(C) identify and describe Federal and federally funded ocean mapping, exploration, and characterization programs;

(D) facilitate and incorporate non-Federal input into national ocean mapping, exploration, and characterization priorities;

(E) ensure effective coordination of ocean mapping, exploration, and characterization activities among programs described in subparagraph (C);

(F) identify opportunities for combining overlapping or complementary needs, activities, and resources of Federal agencies and non-Federal organizations relating to ocean mapping, exploration, and characterization while not reducing benefits from existing

mapping, explorations, and characterization activities;

(G) promote new and existing partnerships among Federal and State agencies, Indian Tribes, private industry, academia, and nongovernmental organizations to conduct or support ocean mapping, exploration, and characterization activities and technology development needs, including through coordination under section 3 of the Commercial Engagement Through Ocean Technology Act of 2018 (33 U.S.C. 4102) and the National Oceanographic Partnership Program under section 8931 of title 10, United States Code;

(H) develop a transparent and sustained mechanism for non-Federal partnerships and stakeholder engagement in strategic planning and mission execution to be implemented not later than December 31, 2023;

(I) establish standardized collection and data management protocols, such as with respect to metadata, for ocean mapping, exploration, and characterization;

(J) encourage the development, testing, demonstration, and adoption of innovative ocean mapping, exploration, and characterization technologies and applications;

(K) promote protocols for accepting data, equipment, approaches, or other resources that support national ocean mapping, exploration, and characterization priorities;

(L) identify best practices for the protection of marine life during mapping, exploration, and characterization activities;

(M) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration and other appropriate Federal agencies to support a coordinated national ocean mapping, exploration, and characterization effort;

(N) identify and facilitate a centralized mechanism or office for coordinating data collection, compilation, processing, archiving, and dissemination activities relating to ocean mapping, exploration, and characterization that meets Federal mandates for data accuracy and accessibility;

(O) designate repositories responsible for archiving and managing ocean mapping, exploration, and characterization data;

(P) set forth a timetable and estimated costs for implementation and completion of the plan;

(Q) to the extent practicable, align ocean exploration and characterization efforts with existing programs and identify key gaps; and

(R) identify criteria for determining the optimal frequency of observations.

(j) BRIEFINGS.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the Council shall brief the appropriate committees of Congress on—

(1) progress made toward meeting the national priorities described in subsection (i)(2)(B); and

(2) recommendations for meeting such priorities, such as additional authorities that may be needed to develop a mechanism for non-Federal partnerships and stakeholder engagement described in subsection (i)(2)(H).

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

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

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

SEC. 5406. MODIFICATIONS TO THE OCEAN EXPLORATION PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) PURPOSE.—Section 12001 of the Omnibus Public Land Management Act of 2009 (33 U.S.C. 3401) is amended by striking ''and the national undersea research program''.

(b) PROGRAM ESTABLISHED.—Section 12002 of such Act (33 U.S.C. 3402) is amended—

(1) in the first sentence, by striking ''and undersea''; and

(2) in the second sentence, by striking ''and undersea research and exploration'' and inserting ''research and ocean exploration and characterization efforts''.

(c) POWERS AND DUTIES OF THE ADMINISTRATOR.—

(1) IN GENERAL.—Section 12003(a) of such Act (33 U.S.C. 3403(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting '', in coordination with the Ocean Policy Committee established under section 8932 of title 10, United States Code,'' after ''Administration'';

(B) in paragraph (1)—

(i) by striking ''voyages'' and inserting ''expeditions'';

(ii) by striking ''Federal agencies'' and all that follows through ''and survey'' and inserting ''Federal and State agencies, Tribal governments, private industry, academia, and nongovernmental organizations, to map, explore, and characterize''; and

(iii) by inserting ''characterize,'' after ''observe,'';

(C) in paragraph (2), by inserting ''of the exclusive economic zone'' after ''deep ocean regions'';

(D) in paragraph (3), by striking ''voyages'' and inserting ''expeditions'';

(E) in paragraph (4), by striking '', in consultation with the National Science Foundation,'';

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

''(5) support technological innovation of the United States marine science community by promoting the development and use of new and emerging technologies for research, communication, navigation, and data collection, such as sensors and autonomous vehicles;'';

(G) in paragraph (6)—

(i) by inserting '', in collaboration with the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act,'' after ''forum''; and

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

(H) by adding at the end the following:

''(7) provide guidance, in coordination with the National Ocean Mapping, Exploration, and Characterization Council, to Federal and State agencies, Tribal governments, private industry, academia (including secondary schools, community colleges, and universities), and nongovernmental organizations on data standards, protocols for accepting data, and coordination of data collection, compilation, processing, archiving, and dissemination for data relating to ocean exploration and characterization.''.

(2) DONATIONS.—Section 12003(b) of such Act (33 U.S.C. 3403(b)) is amended to read as follows:

''(b) DONATIONS.—For the purpose of mapping, exploring, and characterizing the oceans or increasing the knowledge of the oceans, the Administrator may—

''(1) accept monetary donations and donations of property, data, and equipment; and

''(2) pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest.''.

(3) DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—Section 12003 of such Act (33 U.S.C. 3403) is amended by adding at the end the following:

''(c) DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—In this section, the term 'exclusive economic zone' means the zone established by Presidential Proclamation Number 5030, dated March 10, 1983 (16 U.S.C. 1453 note; relating to the exclusive economic zone of the United States of America).''.

(d) REPEAL OF OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.—Section 12004 of such Act (33 U.S.C. 3404) is repealed.

(e) EDUCATION, WORKFORCE TRAINING, AND OUTREACH.—

(1) IN GENERAL.—Such Act is further amended by inserting after section 12003 the following new section 12004:

''SEC. 12004. EDUCATION, WORKFORCE TRAINING, AND OUTREACH.

''(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall—

''(1) conduct education and outreach efforts in order to broadly disseminate information to the public on the discoveries made by the program under section 12002; and

''(2) to the extent possible, coordinate the efforts described in paragraph (1) with the outreach strategies of other domestic or international ocean mapping, exploration, and characterization initiatives.

''(b) EDUCATION AND OUTREACH EFFORTS.—Efforts described in subsection (a)(1) may include—

''(1) education of the general public, teachers, students, and ocean and coastal resource managers; and

''(2) workforce training, reskilling, and opportunities to encourage development of ocean related science, technology, engineering, and mathematics (STEM) technical training programs involving secondary schools, community colleges, and universities, including Historically Black Colleges or Universities (within the meaning of the term ''part B institution'' under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)), Tribal Colleges or Universities (as defined in section 316(b) of such Act (20 U.S.C. 1059c(b))), and other minority-serving institutions (as described in section 371(a) of such Act (20 U.S.C. 1067q(a))).

''(c) OUTREACH STRATEGY.—Not later than 180 days after the date of the enactment of the National Ocean Exploration Act, the Administrator of the National Oceanic and Atmospheric Administration shall develop an outreach strategy to broadly disseminate information on the discoveries made by the program under section 12002.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by striking the item relating to section 12004 and inserting the following:

''Sec. 12004. Education, workforce training, and outreach.

(f) OCEAN EXPLORATION ADVISORY BOARD.—

(1) ESTABLISHMENT.—Section 12005(a)(1) of such Act (33 U.S.C. 3505(1)) is amended by inserting ''and the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act'' after ''advise the Administrator''.

(2) TECHNICAL AMENDMENT.—Section 12005(c) of such Act (33 U.S.C. 3505(c)) is amended by inserting ''this'' before ''part''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 12006 of such Act (33 U.S.C. 3406) is amended by striking ''this part'' and all that follows and inserting ''this part $60,000,000 for each of fiscal years 2023 through 2028''.

(h) DEFINITIONS.—Such Act is further amended by inserting after section 12006 the following:

''SEC. 12007. DEFINITIONS.

''In this part:

''(1) CHARACTERIZATION.—The terms 'characterization', 'characterize', and 'characterizing' refer to activities that provide comprehensive data and interpretations for a

specific area of interest of the seafloor, subbottom, water column, or hydrologic features, such as water masses and currents, in direct support of specific research, environmental protection, resource management, policymaking, or applied mission objectives.

''(2) EXPLORATION.—The term 'exploration', 'explore', and 'exploring' refer to activities that provide—

''(A) a multidisciplinary view of an unknown or poorly understood area of the seafloor, sub-bottom, or water column; and

''(B) an initial assessment of the physical, chemical, geological, biological, archaeological, or other characteristics of such an area.

''(3) MAPPING.—The terms 'map' and 'mapping' refer to activities that provide comprehensive data and information needed to understand seafloor characteristics, such as depth, topography, bottom type, sediment composition and distribution, underlying geologic structure, and benthic flora and fauna.''.

(i) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by inserting after the item relating to section 12006 the following:

''Sec. 12007. Definitions.

SEC. 5407. REPEAL.

(a) IN GENERAL.—The NOAA Undersea Research Program Act of 2009 (part II of subtitle A of title XII of Public Law 111–11; 33 U.S.C. 3421 et seq.) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by striking the items relating to part II of subtitle A of title XII of such Act.

SEC. 5408. MODIFICATIONS TO OCEAN AND COASTAL MAPPING PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Section 12202(a) of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501(a)) is amended—

(A) by striking ''establish a program to develop a coordinated and'' and inserting ''establish and maintain a program to coordinate'';

(B) by striking ''plan'' and inserting ''efforts''; and

(C) by striking ''that enhances'' and all that follows and inserting ''that—

''(1) enhances ecosystem approaches in decision-making for natural resource and habitat management restoration and conservation, emergency response, and coastal resilience and adaptation;

''(2) establishes research and mapping priorities;

''(3) supports the siting of research and other platforms; and

''(4) advances ocean and coastal science.''.

(2) MEMBERSHIP.—Section 12202 of such Act (33 U.S.C. 3501) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

(3) PROGRAM PARAMETERS.—Subsection (b) of section 12202 of such Act (33 U.S.C. 3501), as redesignated by paragraph (2), is amended—

(A) in the matter preceding paragraph (1), by striking ''developing'' and inserting ''maintaining'';

(B) in paragraph (2), by inserting ''and for leveraging existing Federal geospatial services capacities and contract vehicles for efficiencies'' after ''coastal mapping'';

(C) in paragraph (7), by striking ''with coastal state and local government programs'' and inserting ''with mapping programs, in conjunction with Federal and State agencies, Tribal governments, private industry, academia, and nongovernmental organizations'';

(D) in paragraph (8), by striking ''of real-time tide data and the development'' and inserting ''of tide data and water-level data and the development and dissemination'';

(E) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(F) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(G) by adding at the end the following:

''(11) support—

''(A) the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code; and

''(B) the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act.''.

(b) INTERAGENCY WORKING GROUP ON OCEAN AND COASTAL MAPPING.—

(1) NAME CHANGE.—The Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.) is amended—

(A) in section 12202 (33 U.S.C. 3501)—

(i) in subsection (a), by striking ''Interagency Committee on Ocean and Coastal Mapping'' and inserting ''Interagency Working Group on Ocean and Coastal Mapping under section 12203''; and

(ii) in subsection (b), as redesignated by subsection (a)(2), by striking ''Committee'' and inserting ''Working Group'';

(B) in section 12203 (33 U.S.C. 3502)—

(i) in the section heading, by striking ''**COMMITTEE**'' and inserting ''**WORKING GROUP**'';

(ii) in subsection (b), in the first sentence, by striking ''committee'' and inserting ''Working Group'';

(iii) in subsection (e), by striking ''committee'' and inserting ''Working Group''; and

(iv) in subsection (f), by striking ''committee'' and inserting ''Working Group''; and

(C) in section 12208 (33 U.S.C. 3507), by amending paragraph (3) to read as follows:

''(3) WORKING GROUP.—The term 'Working Group' means the Interagency Working Group on Ocean and Coastal Mapping under section 12203.''.

(2) IN GENERAL.—Section 12203(a) of such Act (33 U.S.C. 3502(a)) is amended by striking ''within 30 days'' and all that follows and inserting ''not later than 30 days after the date of the enactment of the National Ocean Exploration Act, shall use the Interagency Working Group on Ocean and Coastal Mapping in existence as of the date of the enactment of such Act to implement section 12202.''.

(3) MEMBERSHIP.—Section 12203(b) of such Act (33 U.S.C. 3502(b)) is amended—

(A) in the first sentence, by striking ''senior'' both places it appears and inserting ''senior-level'';

(B) in the third sentence, by striking ''the Minerals Management Service'' and inserting ''the Bureau of Ocean Energy Management of the Department of the Interior, the Office of the Assistant Secretary, Fish and Wildlife and Parks of the Department of the Interior''; and

(C) by striking the second sentence.

(4) CO-CHAIRS.—Section 12203(c) of such Act (33 U.S.C. 3502(c)) is amended to read as follows:

''(c) CO-CHAIRS.—The Working Group shall be co-chaired by one representative from each of the following:

''(1) The National Oceanic and Atmospheric Administration.

''(2) The Department of the Interior.

''(3) The United States Army Corps of Engineers.''.

(5) SUBORDINATE GROUPS.—Section 12203(d) of such Act (33 U.S.C. 3502(d)) is amended to read as follows:

''(d) SUBORDINATE GROUPS.—The co-chairs may establish such permanent or temporary subordinate groups as determined appropriate by the Working Group.''.

(6) MEETINGS.—Section 12203(e) of such Act (33 U.S.C. 3502(e)) is amended by striking ''each subcommittee and each working group'' and inserting ''each subordinate group''.

(7) COORDINATION.—Section 12203(f) of such Act (33 U.S.C. 3502(f)) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) other Federal efforts, such as the Digital Coast, the Federal Geographic Data Committee, GeoPlatform, the Integrated Ocean Observing System, the Hydrographic Services Review Panel of the National Oceanic and Atmospheric Administration, the Ocean Exploration Advisory Board of the National Oceanic and Atmospheric Administration, the National Geospatial Advisory Committee of the Department of the Interior, the advisory committee for the National Integrated Coastal and Ocean Observation System, and the Technical Mapping Advisory Council of the Federal Emergency Management Agency;

''(2) international mapping activities;

''(3) coastal states;

''(4) coastal Indian Tribes;

''(5) data acquisition and user groups through workshops, partnerships, and other appropriate mechanisms; and

''(6) representatives of nongovernmental entities.''.

(8) ADVISORY PANEL.—Section 12203 of such Act (33 U.S.C. 3502) is amended by striking subsection (g).

(9) FUNCTIONS.—Section 12203 of such Act (33 U.S.C. 3502), as amended by paragraph (8), is further amended by adding at the end the following:

''(g) SUPPORT FUNCTIONS.—The Working Group shall support the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of the National Ocean Exploration Act and the Ocean Science and Technology Subcommittee of the Ocean Policy Committee established under section 8932(c) of title 10, United States Code, on ocean mapping activities and associated technology development across the Federal Government, State governments, coastal Indian Tribes, private industry, nongovernmental organizations, and academia.''.

(10) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by striking the item relating to section 12203 and inserting the following:

''Sec. 12203. Interagency working group on ocean and coastal mapping.

(c) BIENNIAL REPORTS.—Section 12204 of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3503) is amended—

(1) in the matter preceding paragraph (1), by striking ''No later'' and all that follows through ''House of Representatives'' and inserting ''Not later than 18 months after the date of the enactment of the National Ocean Exploration Act, and biennially thereafter until 2040, the co-chairs of the Working Group, in coordination with the National Ocean Mapping, Exploration, and Characterization Council established under section 5405 of such Act, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives,'';

(2) in paragraph (1), by inserting '', including the data maintained by the National Centers for Environmental Information of the National Oceanic and Atmospheric Administration,'' after ''mapping data'';

(3) in paragraph (3), by inserting '', including a plan to map the coasts of the United States on a requirements-based cycle, with mapping agencies and partners coordinating on a unified approach that factors in recent related studies, meets multiple user requirements, and identifies gaps'' after ''accomplished'';

(4) by striking paragraph (10) and redesignating paragraphs (11), (12), and (13) as paragraphs (10), (11), and (12), respectively;

(5) in paragraph (10), as so redesignated, by striking ''with coastal state and local government programs'' and inserting ''with international, coastal state, and local government and nongovernmental mapping programs'';

(6) in paragraph (11), as redesignated by paragraph (4)—

(A) by striking ''increase'' and inserting ''streamline and expand'';

(B) by inserting ''for the purpose of fulfilling Federal mapping and charting responsibilities, plans, and strategies'' after ''entities''; and

(C) by striking ''; and'' and inserting a semicolon;

(7) in paragraph (12), as redesignated by paragraph (4), by striking the period at the end and inserting a semicolon; and

(8) by adding at the end the following:

''(13) a progress report on the development of new and innovative technologies and applications through research and development, including cooperative or other agreements with joint or cooperative research institutes and centers and other nongovernmental entities;

''(14) a description of best practices in data processing and distribution and leveraging opportunities among agencies represented on the Working Group and with coastal states, coastal Indian Tribes, and nongovernmental entities;

''(15) an identification of any training, technology, or other requirements for enabling Federal mapping programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program; and

''(16) a timetable for implementation and completion of the plan described in paragraph (3), including recommendations for integrating new approaches into the program.''.

(d) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—

(1) CENTERS.—Section 12205(c) of such Act (33 U.S.C. 3504(c)) is amended—

(A) in the matter preceding paragraph (1), by striking ''3'' and inserting ''three''; and

(B) in paragraph (4), by inserting ''and uncrewed'' after ''sensing''.

(2) PLAN.—Section 12205 of such Act (33 U.S.C. 3504) is amended—

(A) in the section heading, by striking ''**PLAN**'' and inserting ''**NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS**'';

(B) by striking subsections (a), (b), and (d); and

(C) in subsection (c), by striking ''(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—''.

(3) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by striking the item relating to section 12205 and inserting the following:

''Sec. 12205. NOAA joint ocean and coastal mapping centers.

(e) OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.—The Ocean and Coastal Mapping Integration Act (33. U.S.C. 3501 et seq.) is amended—

(1) by redesignating sections 12206, 12207, and 12208 as sections 12208, 12209, and 12210, respectively; and

(2) by inserting after section 12205 the following:

''SEC. 12206. OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.

''(a) IN GENERAL.—Not later than one year after the date of the enactment of the National Ocean Exploration Act, the Administrator shall develop an integrated ocean and coastal mapping Federal funding match opportunity within the National Oceanic and Atmospheric Administration with Federal, State, Tribal, local, nonprofit, private industry, or academic partners in order to increase the coordinated acquisition, processing, stewardship, and archival of new ocean and coastal mapping data in United States waters.

''(b) RULES.—The Administrator shall develop administrative and procedural rules for the ocean and coastal mapping Federal funding match opportunity developed under subsection (a), to include—

''(1) specific and detailed criteria that must be addressed by an applicant, such as geographic overlap with pre-established priorities, number and type of project partners, benefit to the applicant, coordination with other funding opportunities, and benefit to the public;

''(2) determination of the appropriate funding match amounts and mechanisms to use, such as grants, agreements, or contracts; and

''(3) other funding award criteria as are necessary or appropriate to ensure that evaluations of proposals and decisions to award funding under this section are based on objective standards applied fairly and equitably to those proposals.

''(c) GEOSPATIAL SERVICES AND CONTRACT VEHICLES.—The ocean and coastal mapping Federal funding match opportunity developed under subsection (a) shall leverage Federal expertise and capacities for geospatial services and Federal geospatial contract vehicles using the private sector for acquisition efficiencies.

''SEC. 12207. COOPERATIVE AGREEMENTS, CONTRACTS, AND GRANTS.

''(a) IN GENERAL.—To carry out interagency activities under this subtitle, the heads of agencies represented on the Working Group may enter into cooperative agreements, or any other agreement with each other, and transfer, receive, and expend funds made available by any Federal agency, any State or subdivision thereof, or any public or private organization or individual, for ocean and coastal mapping investigations, surveys, studies, and other geospatial collaborations authorized by this subtitle or agreements authorized by section 5 of the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C. 883e).

''(b) GRANTS.—The Administrator may make grants to any State or subdivision thereof or any public or private organization or individual to carry out the purposes of this subtitle.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 12209 of such Act, as redesignated by subsection (e)(1), is amended—

(1) in subsection (a), by striking ''this subtitle'' and all that follows and inserting ''this subtitle $45,000,000 for each of fiscal years 2023 through 2028.'';

(2) in subsection (b), by striking ''this subtitle'' and all that follows and inserting ''this subtitle $15,000,000 for each of fiscal years 2023 through 2028.'';

(3) by striking subsection (c); and

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

''(c) OCEAN AND COASTAL MAPPING FEDERAL FUNDING OPPORTUNITY.—Of amounts appropriated pursuant to subsection (a), $20,000,000 is authorized to carry out section 12206.''.

(g) DEFINITIONS.—

(1) OCEAN AND COASTAL MAPPING.—Paragraph (5) of section 12210 of such Act, as redesignated by subsection (e)(1), is amended by striking ''processing, and management'' and inserting ''processing, management, maintenance, interpretation, certification, and dissemination''.

(2) COASTAL INDIAN TRIBE.—Section 12210 of such Act, as redesignated by subsection (e)(1), is amended by adding at the end the following:

''(9) COASTAL INDIAN TRIBE.—The term 'coastal Indian Tribe' means an 'Indian tribe', as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), the land of which is located in a coastal state.''.

(h) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) is amended by striking the items relating to sections 12206 through 12208 and inserting the following:

''Sec. 12206. Ocean and coastal mapping Federal funding opportunity.
''Sec. 12207. Cooperative agreements, contracts, and grants.
''Sec. 12208. Effect on other laws.
''Sec. 12209. Authorization of appropriations.
''Sec. 12210. Definitions.

SEC. 5409. MODIFICATIONS TO HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) DEFINITIONS.—Section 302(4)(A) of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892(4)(A)) is amended by inserting ''hydrodynamic forecast and datum transformation models,'' after ''nautical information databases,''.

(b) FUNCTIONS OF THE ADMINISTRATOR.—Section 303(b) of such Act (33 U.S.C. 892a(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting ''precision navigation,'' after ''promote''; and

(2) in paragraph (2)—

(A) by inserting ''and hydrodynamic forecast models'' after ''monitoring systems'';

(B) by inserting ''and provide foundational information and services required to support coastal resilience planning for coastal transportation and other infrastructure, coastal protection and restoration projects, and related activities'' after ''efficiency''; and

(C) by striking ''; and'' and inserting a semicolon.

(c) QUALITY ASSURANCE PROGRAM.—Section 304(a) of such Act (33 U.S.C. 892b(a)) is amended by striking ''product produced'' and inserting ''product or service produced or disseminated''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 306(a) of such Act (33 U.S.C. 892d(a)) 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 2028'';

(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 2028'';

(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 2028'';

(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 2028''; 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 2028''.

TITLE LV—MARINE MAMMAL RESEARCH AND RESPONSE

SEC. 5501. SHORT TITLE.

This title may be cited as the ''Marine Mammal Research and Response Act of 2022''.

SEC. 5502. 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 or the Director of the United States Fish and Wildlife Service—

''(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.

''(3) ONLINE DATA INPUT SYSTEM.—The Secretary, acting through the Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the stranding network and the Office of Evaluation Sciences of the General Services Administration, shall establish an online system for the purposes of efficient and timely submission of data described in paragraph (1).

''(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 or the United States Fish and Wildlife Service 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 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.

''(g) AUTHORSHIP AGREEMENTS AND ACKNOWLEDGMENT POLICY.—The Secretary, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall include authorship agreements or other acknowledgment considerations for use of data by the public, as determined by the Secretary.

''(h) SAVINGS CLAUSE.—The Secretary shall not require submission of research data that is not described in subsection (c).''.

SEC. 5503. 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. 5504. 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. 5505. 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. 5506. 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. 5507. 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—

''(I) the applicable Secretary considers to be an emergency; or

''(II) with the concurrence of the applicable Secretary, a State, territorial, 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 sub regions (including, but not limited to, 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 this 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 2023 through 2028, to remain available until expended, of which for each fiscal year—

''(i) $6,000,000 shall be made available to the Secretary of Commerce; and

''(ii) $1,000,000 shall be made available 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 the Marine Mammal Research and Response Act of 2022.

''(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 2023 through 2028.

''(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) TECHNICAL EDITS.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f–1), as amended by subsection (a), is further amended in subsection (f), as redesignated by subsection (a)(3)—

(1) in paragraph (1)—

(A) by striking ''the costs of an activity conducted with a grant under this section shall be'' and inserting ''a project conducted with funds awarded under the grant program under this section shall be not less than''; and

(B) by striking ''such costs'' and inserting ''such project''; and

(2) in paragraph (2)—

(A) by striking ''an activity'' and inserting ''a project''; and

(B) by striking ''the activity'' and inserting ''the project''.

(c) 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) (as amended by section 5503(b)) is 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. 5508. 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 the Marine Mammal Research and Response Act of 2022, 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, 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; 86 Stat. 1027) (as amended by section 5507(b)) is amended by inserting after the item related to section 408 the following:

''Sec. 408A. Marine Mammal Health Monitoring and Analysis Platform (Health MAP).

SEC. 5509. REPORTS TO CONGRESS.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421 et seq.) (as amended by section 5508(a)) is 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;

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

''(3) the Committee on Science, Space, and Technology of the House of Representatives.

''(b) HEALTH MAP STATUS REPORT.—

''(1) IN GENERAL.—Not later than 2 year after the date of enactment of the Marine Mammal Research and Response Act of 2022, 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 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 Director of the United States Fish and Wildlife Service, 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, 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 the Marine Mammal Research and Response Act of 2022, 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, 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 Fish and Wildlife Service of the Department of the Interior, 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; 86 Stat. 1027) (as amended by section 5508(b)) is amended by inserting after the item related to section 408A the following:

''Sec. 408B. Reports to Congress.

SEC. 5510. 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 ''2023 through 2028;'';

(2) in paragraph (2), by striking ''1993 and 1994;'' and inserting ''2023 through 2028;''; and

(3) in paragraph (3), by striking ''fiscal year 1993.'' and inserting ''for each of fiscal years 2023 through 2028.''.

SEC. 5511. 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. 5512. STUDY ON MARINE MAMMAL MORTALITY.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Undersecretary 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 Undersecretary 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.

TITLE LVI—VOLCANIC ASH AND FUMES

SEC. 5601. SHORT TITLE.

This title may be cited as the ''Volcanic Ash and Fumes Act of 2022''.

SEC. 5602. MODIFICATIONS TO NATIONAL VOLCANO EARLY WARNING AND MONITORING SYSTEM.

(a) DEFINITIONS.—Subsection (a) of section 5001 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (43 U.S.C. 31k) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

''(2) SECRETARY OF COMMERCE.—The term 'Secretary of Commerce' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.''; and

(3) by adding at the end the following:

''(4) VOLCANIC ASH ADVISORY CENTER.—The term 'Volcanic Ash Advisory Center' means an entity designated by the International Civil Aviation Organization that is responsible for informing aviation interests about the presence of volcanic ash in the airspace.''.

(b) PURPOSES.—Subsection (b)(1)(B) of such section is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) to strengthen the warning and monitoring systems of volcano observatories in the United States by integrating relevant capacities of the National Oceanic and Atmospheric Administration, including with the Volcanic Ash Advisory Centers located in Anchorage, Alaska, and Washington, DC, to observe and model emissions of gases, aerosols, and ash, atmospheric dynamics and chemistry, and ocean chemistry resulting from volcanic eruptions.''.

(c) SYSTEM COMPONENTS.—Subsection (b)(2) of such section is amended—

(1) in subparagraph (B)—

(A) by striking ''and'' before ''spectrometry''; and

(B) by inserting '', and unoccupied aerial vehicles'' after ''emissions''; and

(2) by adding at the end the following:

''(C) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Secretary of Commerce shall develop and execute a memorandum of understanding to establish cooperative support for the activities of the System from the National Oceanic and Atmospheric Administration, including environmental observations, modeling, and temporary duty assignments of personnel to support emergency activities, as necessary or appropriate.''.

(d) MANAGEMENT.—Subsection (b)(3) of such section is amended—

(1) in subparagraph (A), by adding at the end the following:

''(iii) UPDATE.—

''(I) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COST ESTIMATES.—The Secretary of Commerce shall submit to the Secretary annual cost estimates for modernization activities and support of the System for the National Oceanic and Atmospheric Administration.

''(II) UPDATE OF MANAGEMENT PLAN.—The Secretary shall update the management plan submitted under clause (i) to include the cost estimates submitted under subclause (I).''; and

(2) by adding at the end the following:

''(E) COLLABORATION.—The Secretary of Commerce shall collaborate with the Secretary to implement activities carried out under this section related to the expertise of the National Oceanic and Atmospheric Administration, including observations and modeling of emissions of gases, aerosols, and ash, atmospheric dynamics and chemistry, and ocean chemistry resulting from volcanic eruptions.''.

(e) FUNDING.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by inserting '', UNITED STATES GEOLOGICAL SURVEY'' after ''APPROPRIATIONS''; and

(B) by inserting ''to the United States Geological Survey'' after ''appropriated'';.

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

''(2) AUTHORIZATION OF APPROPRIATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—There is authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this section such sums as may be necessary for the period of fiscal years 2023 through 2024.''; and

(4) in paragraph (3), as redesignated by paragraph (2)—

(A) by striking ''United States Geological Survey''; and

(B) by inserting ''of the United States Geological Survey and the National Oceanic and Atmospheric Administration'' after ''programs''.

(f) IMPLEMENTATION PLAN.—

(1) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of the Interior, shall develop a plan to implement the amendments made by this Act during the 5-year period beginning on the date on which the plan is developed.

(2) ELEMENTS.—The plan developed under paragraph (1) shall include an estimate of the cost and schedule required for the implementation described in such paragraph.

(3) PUBLIC AVAILABILITY.—Upon completion of the plan developed under paragraph (1), the Secretary of Commerce shall make the plan publicly available.

TITLE LVII—WILDFIRE AND FIRE WEATHER PREPAREDNESS

SEC. 5701. SHORT TITLE.

This title may be cited as the ''Fire Ready Nation Act of 2022''.

SEC. 5702. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term ''Administration'' means the National Oceanic and Atmospheric Administration.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(3) EARTH SYSTEM MODEL.—The term ''Earth system model'' means a mathematical model containing all relevant components of the Earth, namely the atmosphere, oceans, land, cryosphere, and biosphere.

(4) FIRE ENVIRONMENT.—The term ''fire environment'' means—

(A) the environmental conditions, such as soil moisture, vegetation, topography, snowpack, atmospheric temperature, moisture, and wind, that influence—

(i) fuel and fire behavior; and

(ii) smoke dispersion and transport; and

(B) the associated environmental impacts occurring during and after fire events.

(5) FIRE WEATHER.—The term ''fire weather'' means the weather conditions that influence the start, spread, character, or behavior of wildfire or fires at the wildland-urban interface and relevant meteorological and chemical phenomena, including air quality, smoke, and meteorological parameters such as relative humidity, air temperature, wind speed and direction, and atmospheric composition and chemistry, including emissions and mixing heights.

(6) IMPACT-BASED DECISION SUPPORT SERVICES.—The term ''impact-based decision support services'' means forecast advice and interpretative services the Administration provides to help core partners, such as emergency personnel and public safety officials, make decisions when weather, water, and climate impact the lives and livelihoods of the people of the United States.

(7) SEASONAL.—The term ''seasonal'' has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(9) SMOKE.—The term ''smoke'' means emissions, including the gases and particles released into the air as a result of combustion.

(10) STATE.—The term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United State Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

(11) SUBSEASONAL.—The term ''subseasonal'' has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501).

(12) 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, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(13) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Oceans and Atmosphere.

(14) WEATHER ENTERPRISE.—The term ''weather enterprise'' has the meaning given that term in section 2 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501).

(15) WILDFIRE.—The term ''wildfire'' means any non-structure fire that occurs in vegetation or natural fuels, originating from an unplanned ignition.

(16) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' means the area, zone, or region of transition between unoccupied or undeveloped land and human development where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

SEC. 5703. ESTABLISHMENT OF FIRE WEATHER SERVICES PROGRAM.

(a) IN GENERAL.—The Under Secretary shall establish and maintain a coordinated fire weather services program among the offices of the Administration in existence as of the date of the enactment of this Act and designated by the Under Secretary.

(b) PROGRAM FUNCTIONS.—The functions of the program established under subsection (a), consistent with the priorities described in section 101 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8511), shall be—

(1) to support readiness, responsiveness, understanding, and overall resilience of the United States to wildfires, fire weather, smoke, and other associated conditions, hazards, and impacts in built and natural environments and at the wildland-urban interface;

(2) to collaboratively develop and disseminate accurate, precise, effective, and timely risk communications, forecasts, watches, and warnings relating to wildfires, fire weather, smoke, and other associated conditions, hazards, and impacts, as applicable, with Federal land management agencies;

(3) to partner with and support the public, Federal, State, and Tribal governments, and academic and local partners through the development of capabilities, impact-based decision support services, and overall service delivery and utility;

(4) to conduct and support research and development of new and innovative models, technologies, techniques, products, systems, processes, and procedures to improve understanding of wildfires, fire weather, air quality, and the fire environment;

(5) to develop strong research-to-operations and operations-to-research transitions, in order to facilitate delivery of products, services, and tools to operational users and platforms; and

(6) to develop, in coordination with Federal land management agencies, impact-based decision support services that operationalize and integrate the functions described in paragraphs (1) through (5) in order to provide comprehensive impact-based decision support services that encompass the fire environment.

(c) PROGRAM PRIORITIES.—In developing and implementing the program established under subsection (a), the Under Secretary shall prioritize—

(1) development of a fire weather-enabled Earth system model and data assimilation systems that—

(A) are capable of prediction and forecasting across relevant spatial and temporal timescales;

(B) include variables associated with fire weather, air quality from smoke, and the fire environment;

(C) improve understanding of the connections between fire weather and modes of climate variability; and

(D) incorporate emerging techniques such as artificial intelligence, machine learning, and cloud computing;

(2) advancement of existing and new observational capabilities, including satellite-, airborne-, air-, and ground-based systems and technologies and social networking and other public information-gathering applications that—

(A) identify—

(i) high-risk pre-ignition conditions;

(ii) conditions that influence fire behavior and spread including those conditions that suppress active fire events; and

(iii) fire risk values;

(B) support real-time notification and monitoring of ignitions;

(C) support observations and data collection of fire weather and fire environment variables, including smoke, for development of the model and systems under paragraph (1); and

(D) support forecasts and advancing understanding and research of the impacts of wildfires on human health, ecosystems, climate, transportation, and economies; and

(3) development and implementation of advanced and user-oriented impact-based decision tools, science, and technologies that—

(A) ensure real-time and retrospective data, products, and services are findable, accessible, interoperable, usable, inform further research, and are analysis- and decision-ready;

(B) provide targeted information throughout the fire lifecycle including pre-ignition, detection, forecasting, post-fire, and monitoring phases; and

(C) support early assessment of post-fire hazards, such as air quality, debris flows, mudslides, and flooding.

(d) PROGRAM ACTIVITIES.—In developing and implementing the program established under subsection (a), the Under Secretary may—

(1) conduct relevant physical and social science research activities in support of the functions described in subsection (b) and the priorities described in subsection (c);

(2) conduct relevant activities, in coordination with Federal land management agencies and Federal science agencies, to assess fuel characteristics, including moisture, loading, and other parameters used to determine fire risk levels and outlooks;

(3) support and conduct research that assesses impacts to marine, riverine, and other relevant ecosystems, which may include forest and rangeland ecosystems, resulting from activities associated with mitigation of and response to wildfires;

(4) support and conduct attribution science research relating to wildfires, fire weather, fire risk, smoke, and associated conditions, risks, and impacts;

(5) develop smoke and air quality forecasts, forecast guidance, and prescribed burn weather forecasts, and conduct research on the impact of such forecasts on response behavior that minimizes health-related impacts from smoke exposure;

(6) use, in coordination with Federal land management agencies, wildland fire resource intelligence to inform fire environment impact-based decision support products and services for safety;

(7) work with Federal agencies to provide data, tools, and services to support determinations by such agencies for the implementation of mitigation measures;

(8) provide training and support to ensure effective media utilization of impact-based decision support products and guidance to the public regarding actions needing to be taken;

(9) provide comprehensive training to ensure staff of the program established under subsection (a) is properly equipped to deliver the impact-based decision support products and services described in paragraphs (1) through (6); and

(10) acquire through contracted purchase private sector-produced observational data to fill identified gaps, as needed.

(e) COLLABORATION; AGREEMENTS.—

(1) COLLABORATION.—The Under Secretary shall, as the Under Secretary considers appropriate, collaborate and consult with partners in the weather and climate enterprises, academic institutions, States, Tribal governments, local partners, and Federal agencies, including land and fire management agencies, in the development and implementation of the program established under subsection (a).

(2) AGREEMENTS.—The Under Secretary may enter into agreements in support of the functions described in subsection (b), the priorities described in subsection (c), the activities described in subsection (d), and activities carried out under section 5708.

(f) PROGRAM ADMINISTRATION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate committees of Congress a plan that details how the program established under subsection (a) will be administered and governed within the Administration.

(2) ELEMENTS.—The plan required by paragraph (1) should include a description of—

(A) how the functions described in subsection (b), the priorities described in subsection (c), and the activities described in subsection (d) will be distributed among the line offices of the Administration; and

(B) the mechanisms in place to ensure seamless coordination among those offices.

SEC. 5704. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION DATA MANAGEMENT.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

''(f) DATA AVAILABILITY AND MANAGEMENT.—

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

''(A) make data and metadata generated or collected by the National Oceanic and Administration that the Under Secretary has the legal right to redistribute fully and openly available, in accordance with chapter 35 of title 44, United States Code, and the Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115–435; 132 Stat. 5529) and the amendments made by that Act, and preserve and curate such data and metadata, in accordance with chapter 31 of title 44, United States Code (commonly known as the 'Federal Records Act of 1950'), in order to maximize use of such data and metadata; and

''(B) manage and steward the access, archival, and retrieval activities for the data and metadata described in subparagraph (A) by—

''(i) using—

''(I) enterprise-wide infrastructure, emerging technologies, commercial partnerships, and the skilled workforce needed to provide appropriate data management from collection to broad access; and

''(II) associated information services; and

''(ii) pursuing the maximum interoperability of data and information by—

''(I) leveraging data, information, knowledge, and tools from across the Federal Government to support equitable access, cross-sectoral collaboration and innovation, and local planning and decision-making; and

''(II) developing standards and practices for the adoption and citation of digital object identifiers for datasets, models, and analytical tools.

''(2) COLLABORATION.—In carrying out this subsection, the Under Secretary shall collaborate with such Federal partners and stakeholders as the Under Secretary considers relevant—

''(A) to develop standards to pursue maximum interoperability of data, information, knowledge, and tools across the Federal Government, convert historical records into common digital formats, and improve access and usability of data by partners and stakeholders;

''(B) to identify and solicit relevant data from Federal and international partners and other relevant stakeholders, as the Under Secretary considers appropriate; and

''(C) to develop standards and practices for the adoption and citation of digital object identifiers for datasets, models, and analytical tools.''.

SEC. 5705. DIGITAL FIRE WEATHER SERVICES AND DATA MANAGEMENT.

(a) IN GENERAL.—

(1) DIGITAL PRESENCE.—The Under Secretary shall develop and maintain a comprehensive, centralized, and publicly accessible digital presence designed to promote findability, accessibility, interoperability, usability, and utility of the services, tools, data, and information produced by the program established under section 5703(a).

(2) DIGITAL PLATFORM AND TOOLS.—In carrying out paragraph (1), the Under Secretary shall seek to ensure the digital platform and tools of the Administration integrate geospatial data, decision support tools, training, and best practices to provide real-time fire weather forecasts and address fire-related issues and needs.

(b) INTERNET-BASED TOOLS.—In carrying out subsections (a) and (b), the Under Secretary shall develop and implement internet-based tools, such as webpages and smartphone and other mobile applications, to increase utility and access to services and products for the benefit of users.

SEC. 5706. HIGH-PERFORMANCE COMPUTING.

(a) IN GENERAL.—The Under Secretary shall seek to acquire sufficient high-performance computing resources and capacity for research, operations, and data storage in support of the program established under section 5703(a).

(b) CONSIDERATIONS.—In acquiring high-performance computing capacity under subsection (a), the Under Secretary shall consider requirements needed for—

(1) conducting research and development;

(2) the transition of research and testbed developments into operations;

(3) capabilities existing in other Federal agencies and the commercial sector; and

(4) skilled workforce development.

SEC. 5707. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON FIRE WEATHER SERVICES PROGRAM.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the program established under section 5703(a).

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) evaluate the performance of the program by establishing initial baseline capabilities and tracking progress made toward fully operationalizing the functions described in section 5703(b); and

(2) include such other recommendations as the Comptroller General determines are appropriate to improve the program.

SEC. 5708. FIRE WEATHER TESTBED.

(a) ESTABLISHMENT OF FIRE WEATHER TESTBED.—The Under Secretary shall establish a fire weather testbed that enables engagement across the Federal Government, State and local governments, academia, private and federally funded research laboratories, the private sector, and end-users in order to evaluate the accuracy and usability of technology, models, fire weather products and services, and other research to accelerate the implementation, transition to operations, and use of new capabilities by the Administration, Federal and land management agencies, and other relevant stakeholders.

(b) UNCREWED AIRCRAFT SYSTEMS.—

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

(A) research and assess the role and potential of uncrewed aircraft systems to improve data collection in support of modeling, observations, predictions, forecasts, and impact-based decision support services;

(B) transition uncrewed aircraft systems technologies from research to operations as the Under Secretary considers appropriate; and

(C) coordinate with other Federal agencies that may be developing uncrewed aircraft systems and related technologies to meet the challenges of wildland fire management.

(2) PILOT REQUIRED.—In carrying out paragraph (1), not later than 1 year after the date of the enactment of this Act, the Under Secretary shall conduct pilots of uncrewed aircraft systems for fire weather and fire environment observations, including—

(A) testing of unscrewed systems in approximations of real-world scenarios;

(B) assessment of the utility of meteorological data collected from fire response and assessment aircraft;

(C) input of the collected data into appropriate models to predict fire behavior, including coupled atmosphere and fire models; and

(D) collection of best management practices for deployment of unscrewed systems and other remote data technology, including for communication and coordination between the stakeholders described in subsection (a).

(3) PROHIBITION.—

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

(B) EXEMPTION.—The Under Secretary, in consultation with the Secretary of Homeland Security, is exempt from the prohibition under subparagraph (A) if the operation or procurement is necessary for the sole purpose of marine or atmospheric science or management.

(C) WAIVER.—The Under Secretary may waive the prohibition under subparagraph (A) on a case-by-case basis—

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

(ii) upon notification to Congress.

(D) DEFINITIONS.—In this paragraph:

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

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

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

(III) Any entity the Secretary of Homeland Security, in coordination with the Director of National Intelligence and the Secretary of

Defense, determines poses a national security risk.

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

(V) Any subsidiary or affiliate of an entity described in subclauses (I) through (IV).

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

(4) SAVINGS CLAUSE.—

(A) IN GENERAL.—In carrying out activities under this subsection, the Under Secretary shall ensure that any testing or deployment of uncrewed aircraft systems follow procedures, restrictions, and protocols established by the heads of the Federal agencies with statutory or regulatory jurisdiction over any airspace in which wildfire response activities are conducted during an active wildfire event.

(B) CONSULTATION AND COORDINATION.—The Under Secretary shall consult and coordinate with relevant Federal land management agencies, Federal science agencies, and the Federal Aviation Administration to develop processes for the appropriate deployment of the systems described in subparagraph (A).

(c) ADDITIONAL PILOT PROJECTS.—The Under Secretary shall establish additional pilot projects relating to the fire weather testbed that may include the following elements:

(1) Advanced satellite detection products.

(2) Procurement and use of commercial data.

SEC. 5709. FIRE WEATHER SURVEYS AND ASSESSMENTS.

(a) ANNUAL POST-FIRE-WEATHER SEASON SURVEY AND ASSESSMENT.—

(1) IN GENERAL.—During the second winter following the enactment of this Act, and each year thereafter, the Under Secretary shall conduct a post-fire-weather season survey and assessment.

(2) ELEMENTS.—After conducting a post-fire-weather season survey and assessment under paragraph (1), the Under Secretary shall—

(A) investigate any gaps in data collected during the assessment;

(B) identify and implement strategies and procedures to improve program services and information dissemination;

(C) update systems, processes, strategies, and procedures to enhance the efficiency and reliability of data obtained from the assessment;

(D) evaluate the accuracy and efficacy of physical fire weather forecasting information for each incident included in the survey and assessment; and

(E) assess and refine performance measures, as needed.

(b) SURVEYS AND ASSESSMENTS FOLLOWING INDIVIDUAL WILDFIRE EVENTS.—The Under Secretary may conduct surveys and assessments following individual wildfire events as the Under Secretary determines necessary.

(c) GOAL.—In carrying out activities under this section, the Under Secretary shall seek to increase the number of post-wildfire community impact studies, including by surveying individual and collective responses and incorporating other applicable topics of social science research.

(d) ANNUAL BRIEFING.—Not less frequently than once each year, the Under Secretary shall provide a briefing to the appropriate committees of Congress that provides—

(1) an overview of the fire season; and

(2) an outlook for the fire season for the coming year.

(e) COORDINATION.—In conducting any survey or assessment under this section, the Under Secretary shall coordinate with Federal, State, and local partners, Tribal governments, private entities, and such institutions of higher education as the Under Secretary considers relevant in order to—

(1) improve operations and collaboration; and

(2) optimize data collection, sharing, integration, assimilation, and dissemination.

(f) DATA AVAILABILITY.—The Under Secretary shall make the data and findings obtained from each assessment conducted under this section available to the public in an accessible digital format as soon as practicable after conducting the assessment.

(g) SERVICE IMPROVEMENTS.—The Under Secretary shall make best efforts to incorporate the results and recommendations of each assessment conducted under this section into the research and development plan and operations of the Administration.

SEC. 5710. INCIDENT METEOROLOGIST SERVICE.

(a) ESTABLISHMENT.—The Under Secretary shall establish and maintain an Incident Meteorologist Service within the National Weather Service (in this section referred to as the ''Service'').

(b) INCLUSION OF EXISTING INCIDENT METEOROLOGISTS.—The Service shall include—

(1) the incident meteorologists of the Administration as of the date of the enactment of this Act; and

(2) such incident meteorologists of the Administration as may be appointed after such date.

(c) FUNCTIONS.—The Service shall provide—

(1) on-site impact-based decision support services to Federal, State, Tribal government, and local government emergency response agencies preceding, during, and following wildland fires or other events that threaten life or property, including high-impact and extreme weather events; and

(2) support to Federal, State, Tribal government, and local government decision makers, partners, and stakeholders for seasonal planning.

(d) DEPLOYMENT.—The Service shall be deployed—

(1) as determined by the Under Secretary; or

(2) at the request of the head of another Federal agency and with the approval of the Under Secretary.

(e) STAFFING AND RESOURCES.—In establishing and maintaining the Service, the Under Secretary shall identify, acquire, and maintain adequate levels of staffing and resources to meet user needs.

(f) SYMBOL.—

(1) IN GENERAL.—The Under Secretary may—

(A) create, adopt, and publish in the Federal Register a symbol for the Service; and

(B) restrict the use of such symbol as appropriate.

(2) USE OF SYMBOL.—The Under Secretary may authorize the use of a symbol adopted under this subsection by any individual or entity as the Under Secretary considers appropriate.

(3) CONTRACT AUTHORITY.—The Under Secretary may award contracts for the creation of symbols under this subsection.

(4) OFFENSE.—It shall be unlawful for any person—

(A) to represent themselves as an official of the Service absent the designation or approval of the Under Secretary;

(B) to manufacture, reproduce, or otherwise use any symbol adopted by the Under Secretary under this subsection, including to sell any item bearing such a symbol, unless authorized by the Under Secretary; or

(C) to violate any regulation promulgated by the Secretary under this subsection.

(g) SUPPORT FOR INCIDENT METEOROLOGISTS.—The Under Secretary shall provide resources, access to real-time fire weather forecasts, training, administrative and logistical support, and access to professional counseling or other forms of support as the Under Secretary considers appropriate for the betterment of the emotional and mental health and well-being of incident meteorologists and other employees of the Administration involved with response to high-impact and extreme fire weather events.

SEC. 5711. AUTOMATED SURFACE OBSERVING SYSTEM.

(a) JOINT ASSESSMENT AND PLAN.—

(1) IN GENERAL.—The Under Secretary, in collaboration with the Administrator of the Federal Aviation Administration and the Secretary of Defense, shall—

(A) conduct an assessment of resources, personnel, procedures, and activities necessary to maximize the functionality and utility of the automated surface observing system of the United States that identifies—

(i) key system upgrades needed to improve observation quality and utility for weather forecasting, aviation safety, and other users;

(ii) improvements needed in observations within the planetary boundary layer, including mixing height;

(iii) improvements needed in public accessibility of observational data;

(iv) improvements needed to reduce latency in reporting of observational data;

(v) relevant data to be collected for the production of forecasts or forecast guidance relating to atmospheric composition, including particulate and air quality data, and aviation safety;

(vi) areas of concern regarding operational continuity and reliability of the system, which may include needs for on-night staff, particularly in remote and rural areas and areas where system failure would have the greatest negative impact to the community;

(vii) stewardship, data handling, data distribution, and product generation needs arising from upgrading and changing the automated surface observation systems;

(viii) possible solutions for areas of concern identified under clause (vi), including with respect to the potential use of backup systems, power and communication system reliability, staffing needs and personnel location, and the acquisition of critical component backups and proper storage location to ensure rapid system repair necessary to ensure system operational continuity; and

(ix) research, development, and transition to operations needed to develop advanced data collection, quality control, and distribution so that the data are provided to models, users, and decision support systems in a timely manner; and

(B) develop and implement a plan that addresses the findings of the assessment conducted under subparagraph (A), including by seeking and allocating resources necessary to ensure that system upgrades are standardized across the Administration, the Federal Aviation Administration, and the Department of Defense to the extent practicable.

(2) STANDARDIZATION.—Any system standardization implemented under paragraph (1)(B) shall not impede activities to upgrade or improve individual units of the system.

(3) REMOTE AUTOMATIC WEATHER STATION COORDINATION.—The Under Secretary, in collaboration with relevant Federal agencies and the National Interagency Fire Center, shall assess and develop cooperative agreements to improve coordination, interoperability standards, operations, and placement of remote automatic weather stations for the purpose of improving utility and coverage of

remote automatic weather stations, automated surface observation systems, smoke monitoring platforms, and other similar stations and systems for weather and climate operations.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Under Secretary, in collaboration with the Administrator of the Federal Aviation Administration and the Secretary of Defense, shall submit to the appropriate committees of Congress a report that—

(A) details the findings of the assessment required by subparagraph (A) of subsection (a)(1); and

(B) the plan required by subparagraph (B) of such subsection.

(2) ELEMENTS.—The report required by paragraph (1) shall include a detailed assessment of appropriations required—

(A) to address the findings of the assessment required by subparagraph (A) of subsection (a)(1); and

(B) to implement the plan required by subparagraph (B) of such subsection.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) evaluates the functionality, utility, reliability, and operational status of the automated surface observing system across the Administration, the Federal Aviation Administration, and the Department of Defense;

(2) evaluates the progress, performance, and implementation of the plan required by subsection (a)(1)(B);

(3) assesses the efficacy of cross-agency collaboration and stakeholder engagement in carrying out the plan and provides recommendations to improve such activities;

(4) evaluates the operational continuity and reliability of the system, particularly in remote and rural areas and areas where system failure would have the greatest negative impact to the community, and provides recommendations to improve such continuity and reliability;

(5) assesses Federal coordination regarding the remote automatic weather station network, air resource advisors, and other Federal observing assets used for weather and climate modeling and response activities, and provides recommendations for improvements; and

(6) includes such other recommendations as the Comptroller General determines are appropriate to improve the system.

SEC. 5712. EMERGENCY RESPONSE ACTIVITIES.

(a) DEFINITIONS.—In this section:

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

(2) COVERED EMPLOYEE.—The term ''covered employee'' means an employee of the Department of Commerce.

(3) COVERED SERVICES.—The term ''covered services'' means services performed by a covered employee while serving as an incident meteorologist accompanying a wildland firefighter crew.

(4) EMPLOYEE.—The term ''employee'' has the meaning given that term in section 2105 of title 5, United States Code.

(5) PREMIUM PAY.—The term ''premium pay'' means premium pay for the purposes of section 5547(a) of title 5, United States Code.

(b) WAIVER.—

(1) IN GENERAL.—Any premium pay received by a covered employee for covered services shall be disregarded in calculating the aggregate of the basic pay and premium pay for the covered employee for purposes of applying the limitation on premium pay under section 5547(a) of title 5, United States Code.

(2) LIMITATION.—A covered employee may be paid premium pay that is disregarded under paragraph (1) only to the extent that the aggregate of the basic pay and premium pay paid to that covered employee in the applicable calendar year, including premium pay that is disregarded under that paragraph, does not exceed the rate of basic pay for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of that calendar year.

(c) APPLICATION.—If the application of subsection (b) results in the payment of additional pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

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

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

(d) AMENDMENT.—Section 5542(a)(5) of title 5, United States Code, is amended by inserting '', the Department of Commerce,'' after ''Interior''.

(e) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect as if enacted on January 1, 2020.

(f) POLICIES AND PROCEDURES FOR HEALTH, SAFETY, AND WELL-BEING.—The Under Secretary shall maintain polices and procedures to promote the health, safety, and well-being of covered employees.

SEC. 5713. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON INTERAGENCY WILDFIRE FORECASTING, PREVENTION, PLANNING, AND MANAGEMENT BODIES.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) identifies all Federal interagency bodies established for the purpose of wildfire forecasting, prevention, planning, and management (such as wildfire councils, commissions, and workgroups), including—

(A) the Wildland Fire Leadership Council;

(B) the National Interagency Fire Center;

(C) the Wildland Fire Management Policy Committee;

(D) the Wildland Fire Mitigation and Management Commission;

(E) the Joint Science Fire Program;

(F) the National Interagency Coordination Center;

(G) the National Predictive Services Oversight Group;

(H) the Interagency Council for Advancing Meteorological Services;

(I) the National Wildfire Coordinating Group;

(J) the National Multi-Agency Coordinating Group; and

(K) the Mitigation Framework Leadership Group;

(2) evaluates the roles, functionality, and utility of such interagency bodies;

(3) evaluates the progress, performance, and implementation of such interagency bodies;

(4) assesses efficacy and identifies potential overlap and duplication of such interagency bodies in carrying out interagency collaboration with respect to wildfire prevention, planning, and management; and

(5) includes such other recommendations as the Comptroller General determines are appropriate to streamline and improve wildfire forecasting, prevention, planning, and management, including recommendations regarding the interagency bodies for which the addition of the Administration is necessary to improve wildfire forecasting, prevention, planning, and management.

SEC. 5714. AMENDMENTS TO INFRASTRUCTURE INVESTMENT AND JOBS ACT RELATING TO WILDFIRE MITIGATION.

The Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 429) is amended—

(1) in section 70202—

(A) in paragraph (1)—

(i) in subparagraph (J), by striking ''; and'' and inserting a semicolon;

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

(iii) by adding at the end the following:

''(L) the Committee on Commerce, Science, and Transportation of the Senate; and

''(M) the Committee on Science, Space, and Technology of the House of Representatives.''; and

(B) in paragraph (6)—

(i) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

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

(iii) by adding at the end the following:

''(D) The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.''; and

(2) in section 70203(b)(1)(B)—

(A) in the matter preceding clause (i), by striking ''9'' and inserting ''not fewer than 10'';

(B) in clause (i)—

(i) in subclause (IV), by striking ''; and'' and inserting a semicolon;

(ii) in subclause (V), by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(VI) the National Oceanic and Atmospheric Administration.'';

(C) in clause (iv), by striking ''; and'' and inserting a semicolon; and

(D) by adding at the end the following:

''(vi) if the Secretaries determine it to be appropriate, 1 or more representatives from the relevant line offices of the National Oceanic and Atmospheric Administration; and''.

SEC. 5715. WILDFIRE TECHNOLOGY MODERNIZATION AMENDMENTS.

Section 1114 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (43 U.S.C. 1748b–1) is amended—

(1) in subsection (c)(3), by inserting ''the National Oceanic and Atmospheric Administration,'' after ''Federal Aviation Administration,'';

(2) in subsection (e)(2)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

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

''(B) CONSULTATION.—

''(i) IN GENERAL.—In carrying out subparagraph (A), the Secretaries shall consult with the Under Secretary of Commerce for Oceans and Atmosphere regarding any development of impact-based decision support services that relate to wildlife-related activities of the National Oceanic and Atmospheric Administration.

''(ii) DEFINITION OF IMPACT-BASED DECISION SUPPORT SERVICES.—In this subparagraph, the term 'impact-based decision support services' means forecast advice and interpretative services the National Oceanic and Atmospheric Administration provides to help core partners, such as emergency personnel and public safety officials, make decisions when weather, water, and climate impact the lives and livelihoods of the people of the United States.''; and

(3) in subsection (f)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) by striking ''The Secretaries'' and inserting the following:

''(1) IN GENERAL.—The Secretaries''; and

(C) by adding at the end the following:

''(2) COLLABORATION.—In carrying out paragraph (1), the Secretaries shall collaborate with the Under Secretary of Commerce for Oceans and Atmosphere to improve coordination, utility of systems and assets, and interoperability of data for smoke prediction, forecasting, and modeling.''.

SEC. 5716. COOPERATION; COORDINATION; SUPPORT TO NON-FEDERAL ENTITIES.

(a) COOPERATION.—Each Federal agency shall cooperate and coordinate with the Under Secretary, as appropriate, in carrying out this title and the amendments made by this title.

(b) COORDINATION.—

(1) IN GENERAL.—In meeting the requirements under this title and the amendments made by this title, the Under Secretary shall coordinate, and as appropriate, establish agreements with Federal and external partners to fully use and leverage existing assets, systems, networks, technologies, and sources of data.

(2) INCLUSIONS.—Coordination carried out under paragraph (1) shall include coordination with—

(A) the National Interagency Fire Center, including the Predictive Services Program that provides impact-based decision support services to the wildland fire community at the Geographic Area Coordination Center and the National Interagency Coordination Center;

(B) the National Wildfire Coordinating Group; and

(C) relevant interagency bodies identified in the report required by section 5713.

(3) CONSULTATION.—In carrying out this subsection, the Under Secretary shall consult with Federal partners.

(c) COORDINATION WITH NON-FEDERAL ENTITIES.—Not later than 540 days after the date of the enactment of this Act, the Under Secretary shall develop and submit to the appropriate committees of Congress a process for annual coordination with Tribal, State, and local governments to assist the development of improved fire weather products and services.

(d) SUPPORT TO NON-FEDERAL ENTITIES.—In carrying out the activities under this title and the amendments made by this title, the Under Secretary may provide support to non-Federal entities by making funds and resources available through—

(1) competitive grants;

(2) contracts under the mobility program under subchapter VI of chapter 33 of title 5, United States Code (commonly referred to as the ''Intergovernmental Personnel Act Mobility Program'');

(3) cooperative agreements; and

(4) colocation agreements as described in section 502 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2020 (33 U.S.C. 851 note prec.).

SEC. 5717. INTERNATIONAL COORDINATION.

(a) IN GENERAL.—The Under Secretary may develop collaborative relationships and agreements with foreign partners and counterparts to address transboundary issues pertaining to wildfires, fire weather, smoke, air quality, and associated conditions and hazards or other relevant meteorological phenomena, as appropriate, to facilitate full and open exchange of data and information.

(b) CONSULTATION.—In carrying out activities under this section, the Under Secretary shall consult with the Department of State and such other Federal partners as the Under Secretary considers relevant.

SEC. 5718. SUBMISSIONS TO CONGRESS REGARDING THE FIRE WEATHER SERVICES PROGRAM, INCIDENT METEOROLOGIST WORKFORCE NEEDS, AND NATIONAL WEATHER SERVICE WORKFORCE SUPPORT.

(a) REPORT TO CONGRESS.—Not later than 540 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate committees of Congress—

(1) the plan described in subsection (b);

(2) the assessment described in subsection (c); and

(3) the assessment described in subsection (d).

(b) FIRE WEATHER SERVICES PROGRAM PLAN.—

(1) ELEMENTS.—The plan submitted under subsection (a)(1) shall detail—

(A) the observational data, modeling requirements, ongoing computational needs, research, development, and technology transfer activities, data management, skilled-personnel requirements, engagement with relevant Federal emergency and land management agencies and partners, and corresponding resources and timelines necessary to achieve the functions described in subsection (b) of section 5703 and the priorities described in subsection (c) of such section; and

(B) plans and needs for all other activities and requirements under this title and the amendments made by this title.

(2) SUBMITTAL OF ANNUAL BUDGET FOR PLAN.—Following completion of the plan submitted under subsection (a)(1), the Under Secretary shall, not less frequently than once each year concurrent with the submission of the budget by the President to Congress under section 1105 of title 31, United States Code, submit to Congress a proposed budget corresponding with the elements detailed in the plan.

(c) INCIDENT METEOROLOGIST WORKFORCE NEEDS ASSESSMENT.—

(1) IN GENERAL.—The Under Secretary shall conduct a workforce needs assessment on the current and future demand for additional incident meteorologists for wildfires and other high-impact fire weather events.

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

(A) A description of staffing levels as of the date on which the assessment is submitted under subsection (a)(2) and projected future staffing levels.

(B) An assessment of the state of the infrastructure of the National Weather Service as of the date on which the assessment is submitted and future needs of such infrastructure in order to meet current and future demands, including with respect to information technology support and logistical and administrative operations.

(3) CONSIDERATIONS.—In conducting the assessment required by paragraph (1), the Under Secretary shall consider factors including projected climate conditions, infrastructure, relevant hazard meteorological response system equipment, user needs, and feedback from relevant stakeholders.

(d) SUPPORT SERVICES ASSESSMENT.—

(1) IN GENERAL.—The Under Secretary shall conduct a workforce support services assessment with respect to employees of the National Weather Service engaged in emergency response.

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

(A) An assessment of need for further support of employees of the National Weather Service engaged in emergency response through services provided by the Public Health Service.

(B) A detailed assessment of appropriations required to secure the level of support services needed as identified in the assessment described in subparagraph (A).

(3) ADDITIONAL SUPPORT SERVICES.—Following the completion of the assessment required by paragraph (1), the Under Secretary shall seek to acquire additional support services to meet the needs identified in the assessment.

SEC. 5719. GOVERNMENT ACCOUNTABILITY OFFICE REPORT; FIRE SCIENCE AND TECHNOLOGY WORKING GROUP; STRATEGIC PLAN.

(a) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that identifies—

(1) the authorities, roles, and science and support services relating to wildland fire prediction, detection, forecasting, modeling, resilience, response, management, and assessment provided by—

(A) the Department of Commerce, including the Administration and the National Institute of Standards and Technology;

(B) the National Aeronautics and Space Administration;

(C) the Department of the Interior;

(D) the Department of Agriculture;

(E) the National Science Foundation;

(F) the Department of Energy;

(G) the Federal Emergency Management Agency;

(H) the Department of Transportation;

(I) the Environmental Protection Agency; and

(J) the Department of Defense; and

(2) recommended areas in and mechanisms by which the agencies listed under paragraph (1) could support and improve—

(A) coordination between Federal agencies, State and local governments, Tribal governments, and other relevant stakeholders, including through examination of possible public-private partnerships;

(B) research and development, including interdisciplinary research, related to fire environments, wildland fires, associated smoke, and the impacts of such environments, fires, and smoke, in furtherance of a coordinated interagency effort to address wildland fire risk reduction;

(C) data management and stewardship, the development and coordination of data systems and computational tools, and the creation of a centralized, integrated data collaboration environment for agency data, including historical data, relating to weather, fire environments, wildland fires, associated smoke, and the impacts of such environments, fires, and smoke, and the assessment of wildland fire risk mitigation measures;

(D) interoperability, usability, and accessibility of the scientific data, data systems, and computational and information tools of the agencies listed under paragraph (1);

(E) coordinated public safety communications relating to fire weather events, fire hazards, and wildland fire and smoke risk reduction strategies; and

(F) secure and accurate real-time data, alerts, and advisories to wildland firefighters and other decision support tools for wildland fire incident command posts.

(b) FIRE SCIENCE AND TECHNOLOGY WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Executive Director of the Interagency Committee for Advancing Weather Services established under section 402 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8542) (in this section referred to as the ''Interagency Committee'') shall establish a working group, to be known as the ''Fire Science and Technology Working

Group'' (in this section referred to as the ''Working Group'').

(2) CHAIR.—The Working Group shall be chaired by the Under Secretary, or designee.

(3) GENERAL DUTIES.—

(A) IN GENERAL.—The Working Group shall seek to build efficiencies among the agencies listed under subsection (a)(1) and coordinate the planning and management of science, research, technology, and operations related to science and support services for wildland fire prediction, detection, forecasting, modeling, resilience, response, management, and assessments.

(B) INPUT.—The Working Group shall solicit input from non-Federal stakeholders.

(c) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Interagency Committee shall prepare and submit to the appropriate committees of Congress, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives, a strategic plan for interagency coordination, research, and development that will improve the assessment of fire environments and the understanding and prediction of wildland fires, associated smoke, and the impacts of such fires and smoke, including—

(A) at the wildland-urban interface;

(B) on communities, buildings, and other infrastructure;

(C) on ecosystem services and watersheds;

(D) social and economic impacts;

(E) by developing and encouraging the adoption of science-based and cost-effective measures—

(i) to enhance community resilience to wildland fires;

(ii) to address and mitigate the impacts of wildland fire and associated smoke; and

(iii) to restore natural fire regimes in fire-dependent ecosystems;

(F) by improving the understanding and mitigation of the effects of weather and long-term drought on wildland fire risk, frequency, and severity;

(G) through integrations of social and behavioral sciences in public safety fire communication;

(H) by improving the forecasting and understanding of prescribed fires and the impacts of such fires, and how those impacts may differ from impacts of wildland fires that originate from an unplanned ignition; and

(I) consideration and adoption of any recommendations included in the report required by subsection (a) pursuant to paragraph (2) of such subsection.

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

(A) A description of the priorities and needs of vulnerable populations.

(B) A description of high-performance computing, visualization, and dissemination needs.

(C) A timeline and guidance for implementation of—

(i) an interagency data sharing system for data relevant to performing fire assessments and modeling fire risk and fire behavior;

(ii) a system for ensuring that the fire prediction models of relevant agencies can be interconnected; and

(iii) to the maximum extent practicable, any recommendations included in the report required by subsection (a).

(D) A plan for incorporating and coordinating research and operational observations, including from infrared technologies, microwave, radars, satellites, mobile weather stations, and uncrewed aerial systems.

(E) A flexible framework to communicate clear and simple fire event information to the public.

(F) Integration of social, behavioral, risk, and communication research to improve the fire operational environment and societal information reception and response.

SEC. 5720. FIRE WEATHER RATING SYSTEM.

(a) IN GENERAL.—The Under Secretary shall, in collaboration with the Chief of the United States Forest Service, the Director of the United States Geological Survey, the Director of the National Park Service, the Administrator of the Federal Emergency Management Agency, and such stakeholders as the Under Secretary considers appropriate—

(1) evaluate the system used as of the date of the enactment of this Act to rate the risk of wildfire; and

(2) determine whether updates to that system are required to ensure that the ratings accurately reflect the severity of fire risk.

(b) UPDATE REQUIRED.—If the Under Secretary determines under subsection (a) that updates to the system described in paragraph (1) of such subsection are necessary, the Under Secretary shall update that system.

SEC. 5721. AVOIDANCE OF DUPLICATION.

(a) IN GENERAL.—The Under Secretary shall ensure, to the greatest extent practicable, that activities carried out under this title and the amendments made by this title are not duplicative of activities supported by other parts of the Administration or other relevant Federal agencies.

(b) COORDINATION.—In carrying out activities under this title and the amendments made by this title, the Under Secretary shall coordinate with the Administration and heads of other Federal research agencies—

(1) to ensure those activities enhance and complement, but do not constitute unnecessary duplication of, efforts; and

(2) to ensure the responsible stewardship of funds.

SEC. 5722. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts appropriated under title VIII of division D of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1094), there are authorized to be appropriated to the Administration to carry out new policies and programs to address fire weather under this title and the amendments made by this title—

(1) $15,000,000 for fiscal year 2023;

(2) $111,360,000 for fiscal year 2024;

(3) $116,928,000 for fiscal year 2025;

(4) $122,774,400 for fiscal year 2026; and

(5) $128,913,120 for fiscal year 2027.

(b) PROHIBITION.—None of the amounts authorized to be appropriated by subsection (a) may be used to unnecessarily duplicate activities funded under title VIII of division D of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1094).

TITLE LVIII—LEARNING EXCELLENCE AND GOOD EXAMPLES FROM NEW DEVELOPERS

SEC. 5801. SHORT TITLE.

This title may be cited as the ''Learning Excellence and Good Examples from New Developers Act of 2022'' or the ''LEGEND Act of 2022''.

SEC. 5802. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term ''Administration'' means the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(3) EARTH PREDICTION INNOVATION CENTER.—The term ''Earth Prediction Innovation Center'' means the community global weather research modeling system described in paragraph (5)(E) of section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)), as redesignated by section 5804(g).

(4) MODEL.—The term ''model'' means any vetted numerical model and associated data assimilation of the Earth's system or its components—

(A) developed, in whole or in part, by scientists and engineers employed by the Administration; or

(B) otherwise developed using Federal funds.

(5) OPERATIONAL MODEL.—The term ''operational model'' means any model that has an output used by the Administration for operational functions.

(6) SUITABLE MODEL.—The term ''suitable model'' means a model that meets the requirements described in paragraph (5)(E)(ii) of section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)), as redesignated by section 5804(g), as determined by the Administrator.

SEC. 5803. PURPOSES.

The purposes of this title are—

(1) to support innovation in modeling by allowing interested stakeholders to have easy and complete access to the models used by the Administration, as the Administrator determines appropriate; and

(2) to use vetted innovations arising from access described in paragraph (1) to improve modeling by the Administration.

SEC. 5804. PLAN AND IMPLEMENTATION OF PLAN TO MAKE CERTAIN MODELS AND DATA AVAILABLE TO THE PUBLIC.

(a) IN GENERAL.—The Administrator shall develop and implement a plan to make available to the public the following:

(1) Operational models developed by the Administration.

(2) Models that are not operational models, including experimental and developmental models, as the Administrator determines appropriate.

(3) Applicable information and documentation for models described in paragraphs (1) and (2).

(4) Subject to section 5807, all data owned by the Federal Government and data that the Administrator has the legal right to redistribute that are associated with models made available to the public pursuant to the plan and used in operational forecasting by the Administration, including—

(A) relevant metadata;

(B) data used for operational models used by the Administration as of the date of the enactment of this Act; and

(C) a description of intended model outputs.

(b) ACCOMMODATIONS.—In developing and implementing the plan under subsection (a), the Administrator may make such accommodations as the Administrator considers appropriate to ensure that the public release of any model, information, documentation, or data pursuant to the plan does not jeopardize—

(1) national security;

(2) intellectual property or redistribution rights, including under titles 17 and 35, United States Code;

(3) any trade secret or commercial or financial information subject to section 552(b)(4) of title 5, United States Code;

(4) any models or data that are otherwise restricted by contract or other written agreement; or

(5) the mission of the Administration to protect lives and property.

(c) PRIORITY.—In developing and implementing the plan under subsection (a), the

Administrator shall prioritize making available to the public the models described in subsection (a)(1).

(d) PROTECTIONS FOR PRIVACY AND STATISTICAL INFORMATION.—In developing and implementing the plan under subsection (a), the Administrator shall ensure that all requirements incorporated into any models described in subsection (a)(1) ensure compliance with statistical laws and other relevant data protection requirements, including the protection of any personally identifiable information.

(e) EXCLUSION OF CERTAIN MODELS.—In developing and implementing the plan under subsection (a), the Administrator may exclude models that the Administrator determines will be retired or superseded in fewer than 5 years after the date of the enactment of this Act.

(f) PLATFORMS.—In carrying out subsections (a) and (b), the Administrator may use government servers, contracts or agreements with a private vendor, or any other platform consistent with the purpose of this title.

(g) SUPPORT PROGRAM.—The Administrator shall plan for and establish a program to support infrastructure, including telecommunications and technology infrastructure of the Administration and the platforms described in subsection (f), relevant to making operational models and data available to the public pursuant to the plan under subsection (a).

(h) TECHNICAL CORRECTION.—Section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)) is amended by redesignating the second paragraph (4) (as added by section 4(a) of the National Integrated Drought Information System Reauthorization Act of 2018 (Public Law 115–423; 132 Stat. 5456)) as paragraph (5).

SEC. 5805. REQUIREMENT TO REVIEW MODELS AND LEVERAGE INNOVATIONS.

The Administrator shall—

(1) consistent with the mission of the Earth Prediction Innovation Center, periodically review innovations and improvements made by persons outside the Administration to the operational models made available to the public pursuant to the plan under section 5804(a) in order to improve the accuracy and timeliness of forecasts of the Administration; and

(2) if the Administrator identifies an innovation for a suitable model, develop and implement a plan to use the innovation to improve the model.

SEC. 5806. REPORT ON IMPLEMENTATION.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the implementation of this title that includes a description of—

(1) the implementation of the plan required by section 5804;

(2) the process of the Administration under section 5805—

(A) for engaging with interested stakeholders to learn what innovations those stakeholders have found;

(B) for reviewing those innovations; and

(C) for operationalizing innovations to improve suitable models.

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

(1) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(2) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

SEC. 5807. PROTECTION OF NATIONAL SECURITY INTERESTS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the Administrator, in consultation with the Secretary of Defense, as appropriate, may withhold any model or data if the Administrator determines doing so to be necessary to protect the national security interests of the United States.

(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to supersede any other provision of law governing the protection of the national security interests of the United States.

SEC. 5808. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2023 through 2027.

(b) DERIVATION OF FUNDS.—Funds to carry out this section shall be derived from amounts authorized to be appropriated to the National Weather Service that are enacted after the date of the enactment of this Act.

SA 6437. Ms. CANTWELL (for herself 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:

Strike title XXXV and insert the following:

TITLE XXXV—MARITIME MATTERS

Subtitle A—Short Title; Authorization of Appropriations for the Maritime Administration

SEC. 3501. SHORT TITLE.

This title may be cited as the ''Maritime Administration Authorization Act for Fiscal Year 2023''.

SEC. 3502. AUTHORIZATION OF APPROPRIATIONS FOR THE MARITIME ADMINISTRATION.

(a) MARITIME ADMINISTRATION.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2023, for programs associated with maintaining the United States Merchant Marine, the following amounts:

(1) For expenses necessary to support the United States Merchant Marine Academy, $112,848,000, of which—

(A) $87,848,000 shall be for Academy operations;

(B) $22,000,000 shall be for facilities maintenance and repair and equipment; and

(C) $3,000,000 shall be for training, staffing, retention, recruiting, and contract management for United States Merchant Marine Academy capital improvement projects.

(2) For expenses necessary to support the State maritime academies, $80,700,000, of which—

(A) $2,400,000 shall be for the Student Incentive Program;

(B) $6,000,000 shall be for direct payments for State maritime academies;

(C) $6,800,000 shall be for training ship fuel assistance;

(D) $8,080,000 shall be for offsetting the costs of training ship sharing; and

(E) $30,500,000 shall be for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, including funds for construction and necessary expenses to construct shoreside infrastructure to support such vessels, $75,000,000.

(4) For expenses necessary to support Maritime Administration operations and programs, $101,250,000, of which—

(A) $15,000,000 shall be for the Maritime Environmental and Technical Assistance program authorized under section 50307 of title 46, United States Code;

(B) $14,819,000 shall be for the Marine Highways Program, including to make grants as authorized under section 55601 of title 46, United States Code; and

(C) $67,433,000 shall be for headquarters operations expenses.

(5) For expenses necessary for the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $6,000,000.

(6) For expenses necessary to maintain and preserve a fleet of merchant vessels documented under chapter 121 of title 46, United States Code, to serve the national security needs of the United States, as authorized under chapter 531 of title 46, United States Code, $318,000,000.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide assistance to small shipyards and for maritime training programs authorized under section 54101 of title 46, United States Code, $40,000,000.

(9) For expenses necessary to implement the Port Infrastructure Development Program, as authorized under section 54301 of title 46, United States Code, $750,000,000, to remain available until expended, except that no such funds authorized under this title for this program may be used to provide a grant to purchase fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary of Transportation determines such equipment would result in a net loss of jobs within a port or port terminal. If such a determination is made, the data and analysis for such determination shall be reported to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 3 days after the date of the determination.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated—

(1) pursuant to the authority provided in paragraphs (1)(A), (2)(A), and (4)(A) of subsection (a) shall remain available through September 30, 2023; and

(2) pursuant to the authority provided in paragraphs (1)(B), (1)(C), (2)(B), (2)(C), (2)(D), (2)(E), (3), (4)(B), (4)(C), (5), (6), (7)(A), (7)(B), (8), and (9) of subsection (a) shall remain available without fiscal year limitation.

(c) TANKER SECURITY FLEET.—

(1) FUNDING.—Section 53411 of title 46, United States Code, is amended by striking ''$60,000,000'' and inserting ''$120,000,000''.

(2) INCREASE IN NUMBER OF VESSELS.—Section 53403(c) of title 46, United States Code, is amended by striking ''10'' and inserting ''20''.

(d) STATE MARITIME ACADEMY PIER-SIDE IMPROVEMENTS.—The Administrator of the Maritime Administration may use funds appropriated for the National Security Multi-Mission Vessel Program to directly reimburse State maritime academies, State governments, or other entities for pier-side improvements related to the National Security Multi-Mission Vessel Program, including—

(1) costs of State maritime academy or State-funded equipment and projects directly related to pier improvements required to accommodate the National Security Multi-Mission Vessel; and

(2) costs of any equipment procured and projects initiated prior to formal agreement with the Maritime Administration that were required in order to ensure timely completion of all pier improvements prior to delivery of a National Security Multi-Mission Vessel.

Subtitle B—General Provisions

SEC. 3511. STUDY TO INFORM A NATIONAL MARITIME STRATEGY.

(a) IN GENERAL.—The Secretary of Transportation and the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with a studies and analysis federally funded research and development center under which such federally funded research and development center shall conduct a study of the key elements and objectives needed for a national maritime strategy. The strategy shall address national objectives, as described in section 50101 of title 46, United States Code, to ensure—

(1) a capable, commercially viable, militarily useful fleet of a sufficient number of merchant vessels documented under chapter 121 of title 46, United States Code;

(2) a robust United States mariner workforce, as described in section 50101 of title 46, United States Code;

(3) strong United States domestic shipbuilding infrastructure, and related shipbuilding trades amongst skilled workers in the United States; and

(4) that the Navy Fleet Auxiliary Force, the National Defense Reserve Fleet, the Military Sealift Command, the Maritime Security Program under chapter 531 of title 46, United States Code, the Tanker Security Program under chapter 534 of title 46, United States Code, and the Cable Security Program under chapter 532 of title 46, United States Code, currently meet the economic and national security needs of the United States and would reliably continue to meet those needs under future economic or national security emergencies.

(b) INPUT.—In carrying out the study, the federally funded research and development center shall solicit input from—

(1) relevant Federal departments and agencies;

(2) nongovernmental organizations;

(3) United States companies;

(4) maritime labor organizations;

(5) commercial industries that depend on United States mariners;

(6) domestic shipyards regarding shipbuilding and repair capacity, and the associated skilled workforce, such as the workforce required for transportation, offshore wind, fishing, and aquaculture;

(7) providers of maritime workforce training; and

(8) any other relevant organizations.

(c) ELEMENTS OF THE STUDY.—The study conducted under subsection (a) shall include consultation with the Department of Transportation, the Department of Defense, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies, in the identification and evaluation of—

(1) incentives, including regulatory changes, needed to continue to meet the shipbuilding and ship maintenance needs of the United States for commercial and national security purposes, including through a review of—

(A) the loans and guarantees program carried out under chapter 537 of title 46, United States Code, and how the development of new offshore commercial industries, such as wind, could be supported through modification of such program or other Federal programs, and thus also support the United States sealift in the future;

(B) the barriers to participation in the loans and guarantees program carried out under chapter 537 of title 46, United States Code, and how the program may be improved to facilitate additional shipbuilding activities in the United States;

(C) the needed resources, human and financial, for such incentives; and

(D) the current and anticipated number of shipbuilding and ship maintenance contracts at United States shipyards through 2032, to the extent practicable;

(2) incentives, including regulatory changes, needed to maintain a commercially viable United States-documented fleet, which shall include—

(A) an examination of how the preferences under section 2631 of title 10, United States Code, and chapter 553 of title 46, United States Code, the Maritime Security Program under chapter 531 of title 46, United States Code, the Tanker Security Program under chapter 534 of title 46, United States Code, and the Cable Security Program under chapter 532 of title 46, United States Code, should be used to further maintain and grow a United States-documented fleet and the identification of other incentives that could be used that may not be authorized at the time of the study;

(B) an estimate of the number and type of commercial ships needed over the next 30 years; and

(C) estimates of the needed human and financial resources for such incentives;

(3) the availability of United States mariners, and future needs, including—

(A) the number of mariners needed for the United States commercial and national security needs over the next 30 years;

(B) the policies and programs (at the time of the study) to recruit, train, and retain United States mariners to support the United States maritime workforce needs during peace time and at war;

(C) how those programs could be improved to grow the number of maritime workers trained each year, including how potential collaboration between the uniformed services, the United States Merchant Marine Academy, State maritime academies, maritime labor training centers, and the Centers of Excellence for Domestic Maritime Workforce Training under section 51706 of title 46, United States Code, could be used most effectively; and

(D) estimates of the necessary resources, human and financial, to implement such programs in each relevant Federal agency over the next 30 years; and

(4) the interaction among the elements described under paragraphs (1) through (3).

(d) PUBLIC AVAILABILITY.—The study conducted under subsection (a) shall be made publicly available on a website of the Department of Transportation.

SEC. 3512. NATIONAL MARITIME STRATEGY.

(a) IN GENERAL.—Not later than 6 months after the date of receipt of the study conducted under section 3511, and every 5 years thereafter, the Secretary of Transportation, in consultation with the Secretary of the department in which the Coast Guard is operating and the United States Transportation Command, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a national maritime strategy.

(b) CONTENTS.—The strategy required under subsection (a) shall—

(1) identify—

(A) international policies and Federal regulations and policies that reduce the competitiveness of United States-documented vessels with foreign vessels in domestic and international transportation markets; and

(B) the impact of reduced cargo flow due to reductions in the number of members of the United States Armed Forces stationed or deployed outside of the United States; and

(2) include recommendations to—

(A) make United States-documented vessels more competitive in shipping routes between United States and foreign ports;

(B) increase the use of United States-documented vessels to carry cargo imported to and exported from the United States;

(C) ensure compliance by Federal agencies with chapter 553 of title 46, United States Code;

(D) increase the use of short sea transportation routes, including routes designated under section 55601(b) of title 46, United States Code, to enhance intermodal freight movements;

(E) enhance United States shipbuilding capability;

(F) invest in, and identify gaps in, infrastructure needed to facilitate the movement of goods at ports and throughout the transportation system, including innovative physical and information technologies;

(G) enhance workforce training and recruitment for the maritime workforce, including training on innovative physical and information technologies;

(H) increase the resilience of ports and the marine transportation system;

(I) increase the carriage of government-impelled cargo on United States-documented vessels pursuant to chapter 553 of title 46, United States Code, section 2631 of title 10, United States Code, or otherwise; and

(J) maximize the cost effectiveness of Federal funding for carriage of non-defense government impelled cargo for the purposes of maintaining a United States flag fleet for national and economic security.

(c) UPDATE.—Not later than 6 months after the date of receipt of the study conducted under section 3511, the Secretary of Transportation, in consultation with the Secretary of the department in which the Coast Guard is operating and the Commander of the United States Transportation Command, shall—

(1) update the national maritime strategy required by section 603 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281);

(2) submit a report to Congress containing the updated national maritime strategy; and

(3) make the updated national maritime strategy publicly available on the website of the Department of Transportation.

(d) IMPLEMENTATION PLAN.—Not later than 6 months after completion of the updated national maritime strategy under subsection (c), and after the completion of each strategy thereafter, the Secretary of Transportation, in consultation with the Secretary of the department in which the Coast Guard is operating and the Secretary of Defense, shall publish on a publicly available website an implementation plan for the most recent national maritime strategy.

SEC. 3513. NEGATIVE DETERMINATION NOTICE.

Section 501(b)(3) of title 46, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

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

(3) by adding at the end the following:

''(D) in the event a waiver referred to in paragraph (1) is not issued, publish an explanation for not issuing such waiver on the Internet Web site of the Department of Transportation not later than 48 hours after notice of such determination is provided to the Secretary of Transportation, including applicable findings to support the determination.''.

Subtitle C—Maritime Infrastructure

SEC. 3521. MARINE HIGHWAYS.

(a) SHORT TITLE.—This section may be cited as the ''Marine Highway Promotion Act''.

(b) FINDINGS.—Congress finds the following:

(1) Our Nation's waterways are an integral part of the transportation network of the United States.

(2) Using the Nation's coastal, inland, and other waterways can support commercial transportation, can provide maritime transportation options where no alternative surface transportation exists, and alleviates surface transportation congestion and burdensome road and bridge repair costs.

(3) Marine highways are serviced by documented United States flag vessels and manned by United States citizens, providing added resources for national security and to aid in times of crisis.

(4) According to the United States Army Corps of Engineers, inland navigation is a key element of economics development and is essential in maintaining economic competitiveness and national security.

(c) UNITED STATES MARINE HIGHWAY PROGRAM.—

(1) IN GENERAL.—Section 55601 of title 46, United States Code, is amended to read as follows:

''§ 55601. United States Marine Highway Program

''(a) PROGRAM.—

''(1) ESTABLISHMENT.—The Maritime Administrator shall establish a Marine Highway Program to be known as the 'United States Marine Highway Program'. Under such program, the Maritime Administrator shall—

''(A) designate marine highway routes as extensions of the surface transportation system under subsection (b); and

''(B) subject to the availability of appropriations, make grants or enter into contracts or cooperative agreements under subsection (c).

''(2) PROGRAM ACTIVITIES.—In carrying out the Marine Highway Program established under paragraph (1), the Maritime Administrator may—

''(A) coordinate with ports, State departments of transportation, localities, other public agencies, and the private sector on the development of landside facilities and infrastructure to support marine highway transportation;

''(B) develop performance measures for such Marine Highway Program;

''(C) collect and disseminate data for the designation and delineation of marine highway routes under subsection (b); and

''(D) conduct research on solutions to impediments to marine highway services eligible for assistance under subsection (c)(1).

''(b) DESIGNATION OF MARINE HIGHWAY ROUTES.—

''(1) AUTHORITY.—The Maritime Administrator may designate or modify a marine highway route as an extension of the surface transportation system if —

''(A) such a designation or modification is requested by—

''(i) the government of a State or territory;

''(ii) a metropolitan planning organization;

''(iii) a port authority;

''(iv) a non-Federal navigation district; or

''(v) a Tribal government; and

''(B) the Maritime Administrator determines such marine highway route satisfies at least one covered function under subsection (d).

''(2) DETERMINATION.—Not later than 180 days after the date on which the Maritime Administrator receives a request for designation or modification of a marine highway route under paragraph (1), the Maritime Administrator shall make a determination of whether to make the requested designation or modification.

''(3) NOTIFICATION.—Not later than 14 days after the date on which the Maritime Administrator makes the determination whether to make the requested designation or modification, the Maritime Administrator shall send the requester a notification of the determination.

''(4) MAP.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2023, and thereafter each time a marine highway route is designated or modified, the Administrator shall make publicly available a map showing the location of marine highway routes, including such routes along the coasts, in the inland waterways, and at sea.

''(B) COORDINATION.—The Administrator shall coordinate with the National Oceanic and Atmospheric Administration to incorporate the map into the Marine Cadastre.

''(c) ASSISTANCE FOR MARINE HIGHWAY SERVICES.—

''(1) IN GENERAL.—The Maritime Administrator may make grants to, or enter into contracts or cooperative agreements with, an eligible entity to implement a marine highway service or component of a marine highway service, if the Administrator determines the service—

''(A) satisfies at least one covered function under subsection (d);

''(B) uses vessels documented under chapter 121 of this title; and

''(C)(i) implements strategies developed under section 55603; or

''(ii) develops, expands, or promotes—

''(I) marine highway transportation services; or

''(II) shipper utilization of marine highway transportation.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State, a political subdivision of a State, or a local government;

''(B) a United States metropolitan planning organization;

''(C) a United States port authority;

''(D) a Tribal government in the United States; or

''(E) a United States private sector operator of marine highway services or private sector owners of facilities with an endorsement letter from the marine highway route sponsor described in subsection (b)(1)(A).

''(3) APPLICATION.—

''(A) IN GENERAL.—To be eligible to receive a grant or enter into a contract or cooperative agreement under this subsection to implement a marine highway service, an eligible entity shall submit an application in such form and manner, at such time, and containing such information as the Maritime Administrator may require, including—

''(i) a comprehensive description of—

''(I) the regions to be served by the marine highway service;

''(II) the marine highway route that the service will use, which may include connection to existing or planned transportation infrastructure and intermodal facilities, key navigational factors such as available draft, channel width, bridge air draft, or lock clearance, and any foreseeable impacts on navigation or commerce, and a map of the proposed route;

''(III) the marine highway service supporters, which may include business affiliations, private sector stakeholders, State departments of transportation, metropolitan planning organizations, municipalities, or other governmental entities (including Tribal governments), as applicable;

''(IV) the estimated volume of passengers, if applicable, or cargo using the service, and predicted changes in such volume during the 5-year period following the date of the application;

''(V) the need for the service;

''(VI) the definition of the success goal for the service, such as volumes of cargo or passengers moved, or contribution to environmental mitigation, safety, reduced vehicle miles traveled, or reduced maintenance and repair costs;

''(VII) the methodology for implementing the service, including a description of the proposed operational framework of the service including the origin, destination, and any intermediate stops on the route, transit times, vessel types, and service frequency; and

''(VIII) any existing programs or arrangements that can be used to supplement or leverage assistance under the program; and

''(ii) a demonstration, to the satisfaction of the Maritime Administrator, that—

''(I) the marine highway service is financially viable;

''(II) the funds or other assistance provided under this subsection will be spent or used efficiently and effectively; and

''(III) a market exists for the services of the proposed marine highway service, as evidenced by contracts or written statements of intent from potential customers.

''(B) PRE-PROPOSAL.—Prior to accepting a full application under subparagraph (A), the Maritime Administrator may require that an eligible entity first submit a pre-proposal that contains a brief description of the items under subparagraph (A).

''(C) PRE-PROPOSAL FEEDBACK.—Not later than 30 days after receiving a pre-proposal, the Maritime Administrator shall provide feedback to the eligible entity that submitted the pre-proposal to encourage or discourage the eligible entity from submitting a full application. An eligible entity may still submit a full application even if that eligible entity is not encouraged to do so after submitting a pre-proposal.

''(4) TIMING OF GRANT NOTICE.—The Maritime Administrator shall post a Notice of Funding Opportunity regarding grants, contracts, or cooperative agreements under this subsection not more than 60 days after the date of enactment of the appropriations Act for the fiscal year concerned.

''(5) GRANT APPLICATION FEEDBACK.—Following the award of grants for a particular fiscal year, the Maritime Administrator may provide feedback to applicants to help applicants improve future applications if the feedback is requested by that applicant.

''(6) TIMING OF GRANTS.—The Maritime Administrator shall award grants, contracts, or cooperative agreements under this subsection not later than 270 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

''(7) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—An applicant shall provide not less than 20 percent of the costs from non-Federal sources, except as provided in subparagraph (B).

''(B) TRIBAL AND RURAL AREAS.—The Maritime Administrator may increase the Federal share of service costs above 80 percent for a service located in a Tribal or rural area.

''(C) TRIBAL GOVERNMENT.—The Maritime Administrator may increase the Federal share of service costs above 80 percent for a service benefitting a Tribal Government.

''(8) REUSE OF UNEXPENDED GRANT FUNDS.—Notwithstanding paragraph (6), amounts awarded under this subsection that are not expended by the recipient within 3 years after obligation of funds or that are returned under paragraph (10)(C) shall remain available to the Maritime Administrator to make grants and enter into contracts and cooperative agreements under this subsection.

''(9) ADMINISTRATIVE COSTS.—Not more than 3 percent of the total amount made available to carry out this subsection for any fiscal year may be used for the necessary administrative costs associated with grants, contracts, and cooperative agreements made under this subsection.

''(10) PROCEDURAL SAFEGUARDS.—The Maritime Administrator, in consultation with the Office of the Inspector General, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

''(A) amounts made available to carry out this subsection are used for the purposes for which they were made available;

''(B) recipients of funds under this subsection (including through grants, contracts, or cooperative agreements) have properly accounted for all expenditures of such funds; and

''(C) any such funds that are not obligated or expended for the purposes for which they were made available are returned to the Administrator.

''(11) CONDITIONS ON PROVISION OF FUNDS.—The Maritime Administrator may not award funds to an applicant under this subsection unless the Maritime Administrator determines that—

''(A) sufficient funding is available to meet the non-Federal share requirement of paragraph (7);

''(B) the marine highway service for which such funds are provided will be completed without unreasonable delay; and

''(C) the recipient of such funds has authority to implement the proposed marine highway service.

''(d) COVERED FUNCTIONS.—A covered function under this subsection is one of the following:

''(1) Promotion of marine highway transportation.

''(2) Provision of a coordinated and capable alternative to landside transportation.

''(3) Mitigation or relief of landside congestion.

''(e) PROHIBITED USES.—Funds awarded under this section may not be used to—

''(1) raise sunken vessels, construct buildings or other physical facilities, or acquire land unless such activities are necessary for the establishment or operation of a marine highway service implemented using grant funds provided, or pursuant to a contract or cooperative agreement entered into under subsection (c); or

''(2) improve port or land-based infrastructure outside the United States.

''(f) GEOGRAPHIC DISTRIBUTION.—In making grants, contracts, and cooperative agreements under this section the Maritime Administrator shall take such measures so as to ensure an equitable geographic distribution of funds.

''(g) AUDITS AND EXAMINATIONS.—All recipients (including recipients of grants, contracts, and cooperative agreements) under this section shall maintain such records as the Maritime Administrator may require and make such records available for review and audit by the Maritime Administrator.''.

(2) RULES.—

(A) FINAL RULE.—Not later than 1 year after the date of enactment of this title, the Secretary of Transportation shall prescribe such final rules as are necessary to carry out the amendments made by this subsection.

(B) INTERIM RULES.—The Secretary of Transportation may prescribe temporary interim rules necessary to carry out the amendments made by this subsection. For this purpose, the Maritime Administrator, in prescribing rules under this subparagraph, is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code, prior to the effective date of the interim rules. All interim rules prescribed under the authority of this subparagraph shall request comment and remain in effect until such time as the interim rules are superseded by a final rule, following notice and comment.

(C) SAVINGS CLAUSE.—The requirements under section 55601 of title 46, United States Code, as amended by this subsection, shall take effect only after the interim rule described in subparagraph (B) is promulgated by the Secretary.

(d) MULTISTATE, STATE, AND REGIONAL TRANSPORTATION PLANNING.—Chapter 556 of title 46, United States Code, is amended by inserting after section 55602 the following:

''SEC. 55603. MULTISTATE, STATE, AND REGIONAL TRANSPORTATION PLANNING.

''(a) IN GENERAL.—The Maritime Administrator, in consultation with the heads of other appropriate Federal departments and agencies, State and local governments, and appropriate private sector entities, may develop strategies to encourage the use of marine highway transportation for the transportation of passengers and cargo.

''(b) STRATEGIES.—If the Maritime Administrator develops the strategies described in subsection (a), the Maritime Administrator may—

''(1) assess the extent to which States and local governments include marine highway transportation and other marine transportation solutions in transportation planning;

''(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate marine highway transportation, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in transportation planning; and

''(3) encourage groups of States and multistate transportation entities to determine how marine highway transportation can address congestion, bottlenecks, and other interstate transportation challenges, including the lack of alternative surface transportation options.''.

(e) RESEARCH ON MARINE HIGHWAY TRANSPORTATION.—Section 55604 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (4) through (6), respectively; and

(2) by inserting before paragraph (4), as redesignated by paragraph (1), the following new paragraphs:

''(1) the economic importance of marine highway transportation to the United States economy;

''(2) the importance of marine highway transportation to rural areas, including the lack of alternative surface transportation options;

''(3) United States regions and territories, and within-region areas, that do not yet have marine highway services underway, but that could benefit from the establishment of marine highway services;''.

(f) DEFINITIONS.—Section 55605 of title 46, United States Code, is amended to read as follows: ''

''§ 55605. Definitions

''In this chapter—

''(1) the term 'marine highway transportation' means the carriage by a documented vessel of cargo (including such carriage of cargo and passengers), and such cargo—

''(A) is—

''(i) contained in intermodal cargo containers and loaded by crane on the vessel;

''(ii) loaded on the vessel by means of wheeled technology, including roll-on roll-off cargo;

''(iii) shipped in discrete units or packages that are handled individually, palletized, or unitized for purposes of transportation;

''(iv) bulk, liquid, or loose cargo loaded in tanks, holds, hoppers, or on deck; or

''(v) freight vehicles carried aboard commuter ferry boats; and

''(B) is—

''(i) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada or Mexico; or

''(ii) loaded at a port in Canada or Mexico and unloaded at a port in the United States;

''(2) the term 'marine highway service' means a planned or contemplated new service, or expansion of an existing service, on a marine highway route, that seeks to provide new modal choices to shippers, offer more desirable services, reduce transportation costs, or provide public benefits;

''(3) the term 'marine highway route' means a route on commercially navigable coastal, inland, or intracoastal waters of the United States, including connections between the United States and a port in Canada or Mexico, that is designated under section 55601(b); and

''(4) 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, individually identified (including parenthetically) in the list published most recently as of the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2023 pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).''.

(g) TECHNICAL AMENDMENTS.—

(1) CLERICAL.—The analysis for chapter 556 of title 46, United States Code, is amended—

(A) by striking the item relating to section 55601 and inserting the following:

''55601. United States Marine Highway Program.'';

(B) by inserting after the item relating to section 55602 the following:

''55603. Multistate, State, and regional transportation planning.''; and

(C) by striking the item relating to section 55605 and inserting the following:

''55605. Definitions.''.

(2) DEFINITIONS.—Section 53501 of title 46, United States Code, is amended in paragraph (5)(A)—

(A) in clause (i), by inserting ''and'' after the semicolon; and

(B) by striking clause (iii).

SEC. 3522. GAO REVIEW OF EFFORTS TO SUPPORT AND GROW THE UNITED STATES MERCHANT FLEET.

Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that examines United States Government efforts to promote the growth and

modernization of the United States maritime industry, and the vessels of the United States, as defined in section 116 of title 46, United States Code, including the overall efficacy of United States Government financial support and policies, including the Capital Construction Fund, Construction Reserve Fund, and other eligible loan, grant, or other programs.

SEC. 3523. GAO REVIEW OF FEDERAL EFFORTS TO ENHANCE PORT INFRASTRUCTURE RESILIENCY AND DISASTER PREPAREDNESS.

Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that examines Federal efforts to assist ports in enhancing the resiliency of their key intermodal connectors to weather-related disasters. The report shall include consideration of the following:

(1) Actions being undertaken at various ports to better identify critical land-side connectors that may be vulnerable to disruption in the event of a natural disaster, including how to communicate such information during a disaster when communications systems may be compromised, and the level of Federal involvement in such efforts.

(2) The extent to which the Department of Transportation and other Federal agencies are working in line with recent recommendations from key resiliency reports, including the National Academies of Science study on strengthening supply chain resilience, to establish a framework for ports to follow to increase resiliency to major weather-related disruptions before they happen.

(3) The extent to which the Department of Transportation or other Federal agencies have provided funds to ports for resiliency-related projects.

(4) The extent to which Federal agencies have a coordinated approach to helping ports and the multiple State, local, and private stakeholders involved, to improve resiliency prior to weather-related disasters.

SEC. 3524. STUDY ON FOREIGN INVESTMENT IN SHIPPING.

(a) ASSESSMENT.—The Under Secretary of Commerce for International Trade (referred to in this section as the ''Under Secretary'') in coordination with Maritime Administration, the United States Transportation Command, and the Federal Maritime Commission shall conduct an assessment of subsidies, indirect state support, and other financial infrastructure or benefits provided by foreign states that control more than 1 percent of the world merchant fleet to entities or individuals building, owning, chartering, operating, or financing vessels not documented under the laws of the United States that are engaged in foreign commerce.

(b) REPORT.—Not later than 1 year after the date of enactment of this section, the Under Secretary shall submit to Congress a report on the assessment conducted under subsection (a), including—

(1) the amount, in United States dollars, of such support provided by a foreign state described in subsection (a) to—

(A) the shipping industry of each country as a whole;

(B) the shipping industry as a percent of gross domestic product of each country; and

(C) each ship on average, by ship type for cargo, tanker, and bulk;

(2) the amount, in United States dollars, of such support provided by a foreign state described in subsection (a) to the shipping industry of another foreign state, including favorable financial arrangements for ship construction;

(3) a description of the shipping industry activities of state-owned enterprises of a foreign state described in subsection (a);

(4) a description of the type of support provided by a foreign state described in subsection (a), including tax relief, direct payment, indirect support of state-controlled financial entities, or other such support, as determined by the Under Secretary; and

(5) a description of how the subsidies provided by a foreign state described in subsection (a) may be disadvantaging the competitiveness of vessels documented under the laws of the United States that are engaged in foreign commerce and the national security of the United States.

(c) DEFINITIONS.—In this section:

(1) FOREIGN COMMERCE.—The term ''foreign commerce'' means—

(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country;

(B) commerce or trade between foreign countries; or

(C) commerce or trade within a foreign country.

(2) FOREIGN STATE.—The term ''foreign state'' has the meaning given the term in section 1603(a) of title 28, United States Code.

(3) SHIPPING INDUSTRY.—The term ''shipping industry'' means the construction, ownership, chartering, operation, or financing of vessels engaged in foreign commerce.

SEC. 3525. REPORT REGARDING ALTERNATE MARINE FUEL BUNKERING FACILITIES AT PORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Maritime Administrator shall report on the necessary port-related infrastructure needed to support bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development. The Maritime Administrator shall publish the report on a publicly available website.

(b) CONTENTS.—The report described in subsection (a) shall include—

(1) information about the existing United States infrastructure, in particular the storage facilities, bunkering vessels, and transfer systems to support bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development;

(2) a review of the needed upgrades to United States infrastructure, including storage facilities, bunkering vessels, and transfer systems, to support bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels under development;

(3) an assessment of the estimated Government investment in this infrastructure and the duration of that investment; and

(4) in consultation with relevant Federal agencies, information on the relevant Federal agencies that would oversee the permitting and construction of bunkering facilities for liquefied natural gas, hydrogen, ammonia, or other new marine fuels, as well as the Federal funding grants or formula programs that could be used for such marine fuels.

SEC. 3526. STUDY OF CYBERSECURITY AND NATIONAL SECURITY THREATS POSED BY FOREIGN MANUFACTURED CRANES AT UNITED STATES PORTS.

The Administrator of the Maritime Administration shall—

(1) conduct a study, in consultation with the Secretary of Homeland Security, the Secretary of Defense, and the Director of the Cybersecurity and Infrastructure Security Agency, to assess whether there are cybersecurity or national security threats posed by foreign manufactured cranes at United States ports;

(2) submit, not later than 1 year after the date of enactment of this title, an unclassified report on the study described in paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Armed Services of the House of Representatives; and

(3) if determined necessary by the Administrator, the Secretary of Homeland Security, or the Secretary of Defense, submit a classified report on the study described in paragraph (1) to the committees described in paragraph (2).

SEC. 3527. PROJECT SELECTION CRITERIA FOR PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 54301(a)(6) of title 46, United States Code, is amended by adding at the end the following:

''(C) CONSIDERATIONS FOR NONCONTIGUOUS STATES AND TERRITORIES.—In considering the criteria under subparagraphs (A)(ii) and (B)(ii) for selecting a project described in paragraph (3), in the case the proposed project is located in a noncontiguous State or territory, the Secretary may take into account the geographic isolation of the State or territory and the economic dependence of the State or territory on the proposed project.''.

SEC. 3528. INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS.

Section 54301(a)(6) of title 46, United States Code, is amended by adding at the end the following:

''(D) INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS.—In selecting projects described in paragraph (3) for funding under this subsection, the Secretary may consider infrastructure improvements identified in the report on strategic seaports required by section 3515 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1985) that would improve the commercial operations of those seaports.''.

Subtitle D—Maritime Workforce

SEC. 3531. SENSE OF CONGRESS ON MERCHANT MARINE.

It is the sense of Congress that the United States Merchant Marine is a critical part of the national infrastructure of the United States, and the men and women of the United States Merchant Marine are essential workers.

SEC. 3532. ENSURING DIVERSE MARINER RECRUITMENT.

Not later than 6 months after the date of enactment of this section, the Secretary of Transportation shall develop and deliver to Congress a strategy to assist State maritime academies and the United States Merchant Marine Academy to improve the representation of women and underrepresented communities in the next generation of the mariner workforce, including each of the following:

(1) Black and African American.

(2) Hispanic and Latino.

(3) Asian.

(4) American Indian, Alaska Native, and Native Hawaiian.

(5) Pacific Islander.

SEC. 3533. LOW EMISSIONS VESSELS TRAINING.

(a) DEVELOPMENT OF STRATEGY.—The Secretary of Transportation, in consultation with the United States Merchant Marine Academy, State maritime academies, civilian nautical schools, and the Secretary of the department in which Coast Guard is operating, shall develop a strategy to ensure there is an adequate supply of trained United States citizen mariners sufficient to meet the operational requirements of low and zero emission vessels. Implementation of the

strategy shall aim to increase the supply of trained United States citizen mariners sufficient to meet the needs of the maritime industry and ensure continued investment in training for mariners serving on conventional fuel vessels.

(b) REPORT.—Not later than 6 months after the date the Secretary of Transportation determines that there is commercially viable technology for low and zero emission vessels, the Secretary of Transportation shall—

(1) submit a report on the strategy developed under subsection (a) and plans for its implementation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make such report publicly available.

SEC. 3534. IMPROVING PROTECTIONS FOR MIDSHIPMEN ACT.

(a) SHORT TITLE.—This section may be cited as the ''Improving Protections for Midshipmen Act''.

(b) SUSPENSION OR REVOCATION OF MERCHANT MARINER CREDENTIALS FOR PERPETRATORS OF SEXUAL HARASSMENT OR SEXUAL ASSAULT.—

(1) IN GENERAL.—? Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

''§ 7704a. Sexual harassment or sexual assault as grounds for suspension or revocation

''(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document issued under this part, within 10 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual harassment, then the license, certificate of registry, or merchant mariner's document shall be suspended or revoked.

''(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document issued under this part, within 20 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual assault, then the license, certificate of registry, or merchant mariner's document shall be revoked.

''(c) SUBSTANTIATED CLAIM.—

''(1) IN GENERAL.—The term 'substantiated claim' means—

''(A) a legal proceeding or agency action in any administrative proceeding that determines the individual committed sexual harassment or sexual assault in violation of any Federal, State, local, or Tribal law or regulation and for which all appeals have been exhausted, as applicable; or

''(B) a determination after an investigation by the Coast Guard that it is more likely than not the individual committed sexual harassment or sexual assault as defined in subsection (d), if the determination affords appropriate due process rights to the subject of the investigation.

''(2) INVESTIGATION BY THE COAST GUARD.—An investigation by the Coast Guard under paragraph (1)(B) shall include evaluation of the following materials that shall be provided to the Coast Guard:

''(A) Any inquiry or determination made by the employer of the individual as to whether the individual committed sexual harassment or sexual assault.

''(B) Upon request from the Coast Guard, any investigative materials, documents, records, or files in the possession of an employer or former employer of the individual that are related to the claim of sexual harassment or sexual assault by the individual.

''(3) ADDITIONAL REVIEW.—A license, certificate of registry, or merchant mariner's document shall not be suspended or revoked under subsection (a) or (b) unless the substantiated claim is reviewed and affirmed, in accordance with the applicable definition in subsection (d), by an administrative law judge at the same suspension or revocation hearing under this chapter described in subsection (a) or (b), as applicable.

''(d) DEFINITIONS.—

''(1) SEXUAL HARASSMENT.—The term 'sexual harassment' means any of the following:

''(A) Conduct that—

''(i) involves unwelcome sexual advances, requests for sexual favors, or deliberate or repeated offensive comments or gestures of a sexual nature, when—

''(I) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

''(II) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person;

''(III) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; or

''(IV) conduct may have been by a person's supervisor, a supervisor in another area, a co-worker, or another credentialed mariner; and

''(ii) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

''(B) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a subordinate.

''(C) Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any fellow employee of the complainant.

''(2) SEXUAL ASSAULT.—The term 'sexual assault' means any form of abuse or contact as defined in chapter 109A of title 18.

''(e) REGULATIONS.—The Secretary of the department in which the Coast Guard is operating may issue further regulations as necessary to update the definitions in this section, consistent with descriptions of sexual harassment and sexual assault addressed in titles 10 and title 18 to implement this section.''.

(c) CLERICAL AMENDMENT.—The chapter analysis of ? chapter 77 of title 46, United States Code, is amended by inserting after the item relating to section 7704 the following:

''7704a. Sexual harassment or sexual assault as grounds for suspension or revocation.''.

(d) SUPPORTING THE UNITED STATES MERCHANT MARINE ACADEMY.—

(1) IN GENERAL.—? Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''§ 51325. Sexual assault and sexual harassment prevention information management system

''(a) INFORMATION MANAGEMENT SYSTEM.—

''(1) IN GENERAL.—Not later than January 1, 2023, the Maritime Administrator shall establish an information management system to track and maintain, in such a manner that patterns can be reasonably identified, information regarding claims and incidents involving cadets that are reportable pursuant to subsection (d) of section 51318 of this chapter.

''(2) INFORMATION MAINTAINED IN THE SYSTEM.—Information maintained in the system shall include the following information, to the extent that information is available:

''(A) The overall number of sexual assault or sexual harassment incidents per fiscal year.

''(B) The location of each such incident, including vessel name and the name of the company operating the vessel, if applicable.

''(C) The names and ranks of the individuals involved in each such incident.

''(D) The general nature of each such incident, to include copies of any associated reports completed on the incidents.

''(E) The type of inquiry made into each such incident.

''(F) A determination as to whether each such incident is substantiated.

''(G) Any informal and formal accountability measures taken for misconduct related to the incident, including decisions on whether to prosecute the case.

''(3) PAST INFORMATION INCLUDED.—The information management system under this section shall include the relevant data listed in this subsection related to sexual assault and sexual harassment that the Maritime Administrator possesses, and shall not be limited to data collected after January 1, 2023.

''(4) PRIVACY PROTECTIONS.—The Maritime Administrator and the Department of Transportation Chief Information Officer shall coordinate to ensure that the information management system under this section shall be established and maintained in a secure fashion to ensure the protection of the privacy of any individuals whose information is entered in such system.

''(5) CYBERSECURITY AUDIT.—Ninety days after the implementation of the information management system, the Office of Inspector General of the Department of Transportation shall commence an audit of the cybersecurity of the system and shall submit a report containing the results of that audit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(6) CORRECTING RECORDS.—In establishing the information management system, the Maritime Administrator shall create a process to ensure that if any incident report results in a final agency action or final judgement that acquits an individual of wrongdoing, all personally identifiable information about the acquitted individual is removed from that incident report in the system.

''(b) SEA YEAR PROGRAM.—The Maritime Administrator shall provide for the establishment of in-person and virtual confidential exit interviews, to be conducted by personnel who are not involved in the assignment of the midshipmen to a Sea Year vessel, for midshipmen from the Academy upon completion of Sea Year and following completion by the midshipmen of the survey under section 51322(d).

''(c) DATA-INFORMED DECISIONMAKING.—The data maintained in the data management system under subsection (a) and through the exit interviews under subsection (b) shall be affirmatively referenced and used to inform the creation of new policy or regulation, or changes to any existing policy or regulation, in the areas of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

''§ 51326. Student advisory board at the United States Merchant Marine Academy

''(a) IN GENERAL.—The Maritime Administrator shall establish at the United States Merchant Marine Academy an advisory board to be known as the Advisory Board to the Secretary of Transportation (referred to in this section as the 'Advisory Board').

''(b) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 midshipmen of the Merchant Marine Academy

who are enrolled at the Merchant Marine Academy at the time of the appointment, including not fewer than 3 cadets from each class.

''(c) APPOINTMENT; TERM.—Midshipmen shall serve on the Advisory Board pursuant to appointment by the Maritime Administrator. Appointments shall be made not later than 60 days after the date of the swearing in of a new class of midshipmen at the Academy. The term of membership of a midshipmen on the Advisory Board shall be 1 academic year.

''(d) REAPPOINTMENT.—The Maritime Administrator may reappoint not more than 6 cadets from the previous term to serve on the Advisory Board for an additional academic year if the Maritime Administrator determines such reappointment to be in the best interests of the Merchant Marine Academy.

''(e) MEETINGS.—The Advisory Board shall meet with the Secretary of Transportation not less than once each academic year to discuss the activities of the Advisory Board. The Advisory Board shall meet in person with the Maritime Administrator not less than 2 times each academic year to discuss the activities of the Advisory Board.

''(f) DUTIES.—The Advisory Board shall—

''(1) identify health and wellbeing, diversity, and sexual assault and harassment challenges and other topics considered important by the Advisory Board facing midshipmen at the Merchant Marine Academy, off campus, and while aboard ships during Sea Year or other training opportunities;

''(2) discuss and propose possible solutions, including improvements to culture and leadership development at the Merchant Marine Academy; and

''(3) periodically review the efficacy of the program in section 51325(b), as appropriate, and provide recommendations to the Maritime Administrator for improvement.

''(g) WORKING GROUPS.—The Advisory Board may establish one or more working groups to assist the Advisory Board in carrying out its duties, including working groups composed in part of midshipmen at the Merchant Marine Academy who are not current members of the Advisory Board.

''(h) REPORTS AND BRIEFINGS.—The Advisory Board shall regularly provide the Secretary of Transportation and the Maritime Administrator reports and briefings on the results of its duties, including recommendations for actions to be taken in light of such results. Such reports and briefings may be provided in writing, in person, or both.

''§ 51327. Sexual Assault Advisory Council

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Sexual Assault Advisory Council (in this section referred to as the 'Council').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Council shall be composed of not fewer than 8 and not more than 14 individuals selected by the Secretary of Transportation who are alumni that have graduated within the last 4 years or current midshipmen of the United States Merchant Marine Academy (including midshipmen or alumni who were victims of sexual assault, to the maximum extent practicable, and midshipmen or alumni who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field.

''(2) EXPERTS INCLUDED.—The Council shall include—

''(A) not less than 1 member who is licensed in the field of mental health and has prior experience working as a counselor or therapist providing mental health care to survivors of sexual assault in a victim services agency or organization; and

''(B) not less than 1 member who has prior experience developing or implementing sexual assault or sexual harassment prevention and response policies in an academic setting.

''(3) RULES REGARDING MEMBERSHIP.—No employee of the Department of Transportation shall be a member of the Council. The number of governmental experts appointed to the Council shall not exceed the number of nongovernmental experts.

''(c) DUTIES; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—The Council shall meet not less often than semiannually to—

''(A) review—

''(i) the policies on sexual harassment, dating violence, domestic violence, sexual assault, and stalking under section 51318 of this title;

''(ii) the trends and patterns of data contained in the system described under section 51325 of this title; and

''(iii) related matters the Council views as appropriate; and

''(B) develop recommendations designed to ensure that such policies and such matters conform, to the extent practicable, to best practices in the field of sexual assault and sexual harassment response and prevention.

''(2) AUTHORIZED ACTIVITIES.—To carry out this subsection, the Council may—

''(A) conduct case reviews, as appropriate and only with the consent of the victim of sexual assault or harassment;

''(B) interview current and former midshipmen of the United States Merchant Marine Academy (to the extent that such midshipmen provide the Department of Transportation express consent to be interviewed by the Council); and

''(C) review—

''(i) exit interviews under section 51325(b) and surveys under section 51322(d);

''(ii) data collected from restricted reporting; and

''(iii) any other information necessary to conduct such case reviews.

''(3) PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out this subsection, the Council shall comply with the obligations of the Department of Transportation to protect personally identifiable information.

''(d) REPORTS.—On an annual basis for each of the 5 years after the date of enactment of this section, and at the discretion of the Council thereafter, the Council shall submit, to the President and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, a report on the Council's findings based on the reviews conducted pursuant to subsection (c) and related recommendations.

''(e) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5.

''(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

''§ 51328. Student support

''The Maritime Administrator shall—

''(1) require a biannual survey of midshipmen, faculty, and staff of the Academy assessing the inclusiveness of the environment of the Academy; and

''(2) require an annual survey of faculty and staff of the Academy assessing the inclusiveness of the environment of the Sea Year program.''.

(e) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall provide Congress with a briefing on the resources necessary to properly implement section 51328 of title 46, United States Code, as added by this section.

(f) CONFORMING AMENDMENTS.—The chapter analysis for ? chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''51325. Sexual assault and sexual harassment prevention information management system.
''51326. Student advisory board at the United States Merchant Marine Academy.
''51327. Sexual Assault Advisory Council.
''51328. Student support.''.

(g) UNITED STATES MERCHANT MARINE ACADEMY STUDENT SUPPORT PLAN.—

(1) STUDENT SUPPORT PLAN.—Not later than January 1, 2023, the Maritime Administrator shall issue a Student Support Plan for the United States Merchant Marine Academy, in consultation with relevant mental health professionals in the Federal Government or experienced with the maritime industry or related industries. Such plan shall—

(A) address the mental health resources available to midshipmen, both on-campus and during Sea Year;

(B) establish a tracking system for suicidal ideations and suicide attempts of midshipmen, which excludes personally identifiable information;

(C) create an option for midshipmen to obtain assistance from a professional care provider virtually; and

(D) require an annual survey of faculty and staff assessing the adequacy of mental health resources for midshipmen of the Academy, both on campus and during Sea Year.

(2) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall provide Congress with a report on the resources necessary to properly implement this subsection.

(h) SPECIAL VICTIMS ADVISOR.—Section 51319 of title 46, United States Code, is amended—

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

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

''(c) SPECIAL VICTIMS ADVISOR.—

''(1) IN GENERAL.—The Secretary shall designate an attorney (to be known as the 'Special Victims Advisor') for the purpose of providing legal assistance to any cadet of the Academy who is the victim of an alleged sex-related offense regarding administrative and criminal proceedings related to such offense, regardless of whether the report of that offense is restricted or unrestricted.

''(2) SPECIAL VICTIMS ADVISORY.—The Secretary shall ensure that the attorney designated as the Special Victims Advisor has knowledge of the Uniform Code of Military Justice, as well as criminal and civil law.

''(3) PRIVILEGED COMMUNICATIONS.—Any communications between a victim of an alleged sex-related offense and the Special Victim Advisor, when acting in their capacity as such, shall have the same protection that applicable law provides for confidential attorney-client communications.''; and

(3) by adding at the end the following:

''(e) UNFILLED VACANCIES.—The Administrator of the Maritime Administration may appoint qualified candidates to positions under subsections (a) and (d) of this section without regard to sections 3309 through 3319 of title 5.''.

(i) CATCH A SERIAL OFFENDER ASSESSMENT.—

(1) ASSESSMENT.—Not later than one year after the date of enactment of this section,

the Commandant of the Coast Guard, in coordination with the Maritime Administrator, shall conduct an assessment of the feasibility and process necessary, and appropriate responsible entities to establish a program for the United States Merchant Marine Academy and United States Merchant Marine modeled on the Catch a Serial Offender program of the Department of Defense using the information management system required under subsection (a) of section 51325 of title 46, United States Code, and the exit interviews under subsection (b) of such section.

(2) LEGISLATIVE CHANGE PROPOSALS.—If, as a result of the assessment required by paragraph (1), the Commandant or the Administrator determines that additional authority is necessary to implement the program described in paragraph (1), the Commandant or the Administrator, as applicable, shall provide appropriate legislative change proposals to Congress.

(j) SHIPBOARD TRAINING.—Section 51322(a) of title 46, United States Code, is amended by adding at the end the following:

''(3) TRAINING.—

''(A) IN GENERAL.—As part of training that shall be provided not less than semiannually to all midshipmen of the Academy, pursuant to section 51318, the Maritime Administrator shall develop and implement comprehensive in-person sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault prevention and response field and includes appropriate scenario-based training.

''(B) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subparagraph (A), the Maritime Administrator shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.''.

SEC. 3535. BOARD OF VISITORS.

Section 51312 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

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

(ii) in subparagraph (D), as redesignated by clause (i), by striking ''flag-rank who'' and inserting ''flag-rank'';

(iii) in subparagraph (B), by striking ''and'' after the semicolon; and

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

''(C) at least 1 shall be a representative of a maritime labor organization; and''; and

(B) in paragraph (3), by adding at the end the following:

''(C) REPLACEMENT.—If a member of the Board is replaced, not later than 60 days after the date of the replacement, the Designated Federal Officer selected under subsection (g)(2) shall notify that member.'';

(2) in subsection (d)—

(A) in paragraph (1), by inserting ''and 2 additional meetings, which may be held in person or virtually'' after ''Academy''; and

(B) by adding at the end the following:

''(3) SCHEDULING; NOTIFICATION.—When scheduling a meeting of the Board, the Designated Federal Officer shall coordinate, to the greatest extent practicable, with the members of the Board to determine the date and time of the meeting. Members of the Board shall be notified of the date of each meeting not less than 30 days prior to the meeting date.'';

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

''(4) STAFF.—One or more staff of each member of the Board may accompany them on Academy visits.

''(5) SCHEDULING; NOTIFICATION.—When scheduling a visit to the Academy, the Designated Federal Officer shall coordinate, to the greatest extent practicable, with the members of the Board to determine the date and time of the visit. Members of the Board shall be notified of the date of each visit not less than 30 days prior to the visit date.''; and

(4) in subsection (h)—

(A) by inserting ''and ranking member'' after ''chairman'' each place the term appears; and

(B) by adding at the end the following: ''Such staff may attend meetings and may visit the Academy.''.

SEC. 3536. MARITIME TECHNICAL ADVANCEMENT ACT.

(a) SHORT TITLE.—This section may be cited as the ''Maritime Technological Advancement Act of 2022''.

(b) CENTERS OF EXCELLENCE FOR DOMESTIC MARITIME WORKFORCE.—Section 51706 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''of Transportation'';

(2) in subsection (b), in the subsection heading, by striking ''ASSISTANCE '' and inserting ''COOPERATIVE AGREEMENTS'';

(3) by redesignating subsection (c) as subsection (d);

(4) in subsection (d), as redesignated by paragraph (2), by adding at the end the following:

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.''; and

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

''(c) GRANT PROGRAM.—

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

''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Maritime Administration.

''(B) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that has a demonstrated record of success in training and is—

''(i) a postsecondary educational institution (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (? 20 U.S.C. 2302)) that offers a 2-year program of study or a 1-year program of training;

''(ii) a postsecondary vocational institution (as defined under section 102(c) of the Higher Education Act of 1965 (? 20 U.S.C. 1002(c));

''(iii) a public or private nonprofit entity that offers 1 or more other structured experiential learning training programs for American workers in the United States maritime industry, including a program that is offered by a labor organization or conducted in partnership with a nonprofit organization or 1 or more employers in the maritime industry; or

''(iv) an entity sponsoring a registered apprenticeship program.

''(C) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; ? 29 U.S.C. 50 et seq.).

''(D) UNITED STATES MARITIME INDUSTRY.—The term 'United States maritime industry' means all segments of the maritime-related transportation system of the United States, both in domestic and foreign trade, and in coastal, offshore, and inland waters, as well as non-commercial maritime activities, such as pleasure boating and marine sciences (including all scientific research vessels), and all of the industries that support or depend upon such uses, including—

''(i) vessel construction and repair;

''(ii) vessel operations;

''(iii) ship logistics supply;

''(iv) berthing;

''(v) port operations;

''(vi) port intermodal operations;

''(vii) marine terminal operations;

''(viii) vessel design;

''(ix) marine brokerage;

''(x) marine insurance;

''(xi) marine financing;

''(xii) chartering;

''(xiii) marine-oriented supply chain operations;

''(xiv) offshore industry;

''(xv) offshore wind construction, operation, and repair; and

''(xvi) maritime-oriented research and development.

''(2) GRANT AUTHORIZATION.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Maritime Technological Advancement Act of 2022, the Administrator shall award maritime career training grants to eligible institutions for the purpose of developing, offering, or improving educational or career training programs for American workers related to the maritime workforce.

''(B) GUIDELINES.—Not later than 1 year after the date of enactment of the Maritime Technological Advancement Act of 2022, the Administrator shall—

''(i) promulgate guidelines for the submission of grant proposals under this subsection; and

''(ii) publish and maintain such guidelines on the website of the Maritime Administration.

''(3) LIMITATIONS.—The Administrator may not award a grant under this subsection in an amount that is more than $12,000,000.

''(4) REQUIRED INFORMATION.—

''(A) IN GENERAL.—An eligible institution that desires to receive a grant under this subsection shall submit to the Administrator a grant proposal that includes a detailed description of—

''(i) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or improve an educational or career training program that is suited to maritime industry workers;

''(ii) the extent to which the project for which the grant proposal is submitted will meet the educational or career training needs of maritime workers in the community served by the eligible institution, particularly any individuals with a barrier to employment;

''(iii) the extent to which the project for which the grant proposal is submitted fits within any overall strategic plan developed by an eligible community; and

''(iv) any previous experience of the eligible institution in providing maritime educational or career training programs.

''(B) COMMUNITY OUTREACH REQUIRED.—In order to be considered by the Administrator, a grant proposal submitted by an eligible institution under this subsection shall—

''(i) demonstrate that the eligible institution—

''(I) reached out to employers to identify—

''(aa) any shortcomings in existing maritime educational and career training opportunities available to workers in the community; and

''(bb) any future employment opportunities within the community and the educational and career training skills required for workers to meet the future maritime employment demand; and

''(II) reached out to other similarly situated institutions in an effort to benefit from

any best practices that may be shared with respect to providing maritime educational or career training programs to workers eligible for training; and

''(ii) include a detailed description of—

''(I) the extent and outcome of the outreach conducted under clause (i);

''(II) the extent to which the project for which the grant proposal is submitted will contribute to meeting any shortcomings identified under clause (i)(I)(aa) or any maritime educational or career training needs identified under clause (i)(I)(bb); and

''(III) the extent to which employers, including small- and medium-sized firms within the community, have expressed an interest in employing workers who would benefit from the project for which the grant proposal is submitted.

''(5) CRITERIA FOR AWARD OF GRANTS.—Subject to the appropriation of funds, the Administrator shall award a grant under this subsection based on—

''(A) a determination of the merits of the grant proposal submitted by the eligible institution to develop, offer, or improve maritime educational or career training programs to be made available to workers;

''(B) an evaluation of the likely employment opportunities available to workers who complete a maritime educational or career training program that the eligible institution proposes to develop, offer, or improve;

''(C) an evaluation of prior demand for training programs by workers in the community served by the eligible institution, as well as the availability and capacity of existing maritime training programs to meet future demand for training programs;

''(D) any prior designation of an institution as a Center of Excellence for Domestic Maritime Workforce Training and Education; and

''(E) an evaluation of the previous experience of the eligible institution in providing maritime educational or career training programs.

''(6) COMPETITIVE AWARDS .—

''(A) IN GENERAL.—The Administrator shall award grants under this subsection to eligible institutions on a competitive basis in accordance with guidelines and requirements established by the Administrator under paragraph (2)(B).

''(B) TIMING OF GRANT NOTICE.—The Administrator shall post a Notice of Funding Opportunity regarding grants awarded under this subsection not more than 90 days after the date of enactment of the appropriations Act for the fiscal year concerned.

''(C) TIMING OF GRANTS.—The Administrator shall award grants under this subsection not later than 270 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

''(D) APPLICATION OF REQUIREMENTS.—The requirements under subparagraphs (B) and (C) shall not apply until the guidelines required under paragraph (2)(B) have been promulgated.

''(E) REUSE OF UNEXPENDED GRANT FUNDS.—Notwithstanding subparagraph (C), amounts awarded as a grant under this subsection that are not expended by the grantee shall remain available to the Administrator for use for grants under this subsection.

''(F) ADMINISTRATIVE COSTS.—Not more than 3 percent of amounts made available to carry out this subsection may be used for the necessary costs of grant administration.

''(7) ELIGIBLE USES OF GRANT FUNDS.—An eligible institution receiving a grant under this subsection—

''(A) shall carry out activities that are identified as priorities for the purpose of developing, offering, or improving educational or career training programs for the United States maritime industry workforce;

''(B) shall provide training to upgrade the skills of the United States maritime industry workforce, including training to acquire covered requirements as well as technical skills training for jobs in the United States maritime industry; and

''(C) may use the grant funds to—

''(i) admit additional students to maritime training programs;

''(ii) develop, establish, and annually update viable training capacity, courses, and mechanisms to rapidly upgrade skills and perform assessments of merchant mariners during time of war or a national emergency, and to increase credentials for domestic or defense needs where training can decrease the gap in the numbers of qualified mariners for sealift;

''(iii) provide services to upgrade the skills of United States offshore wind marine service workers who transport, install, operate, construct, erect, repair, or maintain offshore wind components and turbines, including training, curriculum and career pathway development, on-the-job training, safety and health training, and classroom training;

''(iv) expand existing or create new maritime training programs, including through partnerships and memoranda of understanding with—

''(I) 4-year institutions of higher education;

''(II) labor organizations;

''(III) registered apprenticeship programs with the United States maritime industry; or

''(IV) an entity described in subclause (I) through (III) that has a memorandum of understanding with 1 or more employers in the maritime industry;

''(v) create new maritime pathways or expand existing maritime pathways;

''(vi) expand existing or create new training programs for transitioning military veterans to careers in the United States maritime industry;

''(vii) expand existing or create new training programs that address the needs of individuals with a barrier to employment, as determined by the Secretary in consultation with the Secretary of Labor, in the United States maritime industry;

''(viii) purchase, construct, develop, expand, or improve training facilities, buildings, and equipment to deliver maritime training programs;

''(ix) recruit and train additional faculty to expand the maritime training programs offered by the institution;

''(x) provide financial assistance through scholarships or tuition waivers, not to exceed the applicable tuition expenses associated with the covered programs;

''(xi) promote the use of distance learning that enables students to take courses through the use of teleconferencing, the Internet, and other media technology;

''(xii) assist in providing services to address maritime workforce recruitment and training of youth residing in targeted high-poverty areas within empowerment zones and enterprise communities;

''(xiii) implement partnerships with national and regional organizations with special expertise in developing, organizing, and administering maritime workforce recruitment and training services;

''(xiv) carry out customized training in conjunction with—

''(I) an existing registered apprenticeship program or a pre-apprenticeship program that articulates to a registered apprenticeship program;

''(II) a paid internship; or

''(III) a joint labor-management partnership;

''(xv) design, develop, and test an array of approaches to providing recruitment, training, or retention services, to enhance diversity, equity and inclusion in the United States maritime industry workforce;

''(xvi) in conjunction with employers, organized labor, other groups (such as community coalitions), and Federal, State, or local agencies, design, develop, and test various training approaches in order to determine effective practices; or

''(xvii) assist in the development and replication of effective service delivery strategies for the United States maritime industry as a whole.

''(8) PUBLIC REPORT.—Not later than December 15 in each of the calendar years 2023 through 2025, the Administrator shall make available on a publicly available website a report and provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) describing each grant awarded under this subsection during the preceding fiscal year;

''(B) assessing the impact of each award of a grant under this subsection in a fiscal year preceding the fiscal year referred to in subparagraph (A) on workers receiving training; and

''(C) the performance of the grant awarded with respect to the indicators of performance under section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act (? 29 U.S.C. 3141(b)(2)(A)(i)).

''(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $60,000,000 for each of the fiscal years 2023 through 2027.''.

SEC. 3537. STUDY ON CAPITAL IMPROVEMENT PROGRAM AT THE USMMA.

(a) FINDINGS.—Congress finds the following:

(1) The United States Merchant Marine Academy campus is nearly 80 years old and many of the buildings have fallen into a serious state of disrepair.

(2) Except for renovations to student barracks in the early 2000s, all of the buildings on campus have exceeded their useful life and need to be replaced or undergo major renovations.

(3) According to the Maritime Administration, since 2011, $234,000,000 has been invested in capital improvements on the campus, but partly due to poor planning and cost overruns, maintenance and building replacement backlogs continue.

(b) STUDY.—The Comptroller General shall conduct a study of the United States Merchant Marine Academy Capital Improvement Program. The study shall include an evaluation of—

(1) the actions the United States Merchant Marine Academy has taken to bring the buildings, infrastructure, and other facilities on campus up to standards and the further actions that are required to do so;

(2) how the approach that the United States Merchant Marine Academy uses to manage its capital assets meets leading practices;

(3) how cost estimates prepared for capital asset projects meet cost estimating leading practices;

(4) whether the United States Merchant Marine Academy has adequate staff who are trained to identify needed capital projects, estimate the cost of those projects, perform building maintenance, and manage capital improvement projects; and

(5) how the United States Merchant Marine Academy identifies and prioritizes capital construction needs, and how that priority relates to the safety, education, and wellbeing of midshipmen.

(c) REPORT.—Not later than 18 months after the date of enactment of this section,

the Comptroller General shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study under this section.

SEC. 3538. IMPLEMENTATION OF RECOMMENDATIONS FROM THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.

(a) INSPECTOR GENERAL AUDIT.—The Inspector General of the Department of Transportation shall—

(1) not later than 180 days after the date of enactment of this section, initiate an audit of the Maritime Administration's actions to address only recommendations 4.1 through 4.3, 4.7 through 4.11, 5.1 through 5.4, 5.6, 5.7, 5.11, 5.14, 5.15, 5.16, 6.1 through 6.4, 6.6, and 6.7, identified by a National Academy of Public Administration panel in the November 2021 report entitled ''Organizational Assessment of the United States Merchant Marine Academy: A Path Forward''; and

(2) release publicly, and submit to the appropriate committees of Congress, a report containing the results of the audit described in paragraph (1) once the audit is completed.

(b) AGREEMENT FOR STUDY BY NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this title, the Secretary of Transportation shall enter into an agreement with the National Academy of Public Administration (referred to in this section as the ''Academy'') to provide support for—

(A) prioritizing and addressing the recommendations described in subsection (a)(1), and establishing a process for prioritizing other recommendations in the future;

(B) development of long-term processes and a timeframe for long-term process improvements, as well as corrective actions and best practice criteria that can be implemented in the medium- and near-term;

(C) establishment of a clear assignment of responsibility for implementation of each recommendation described in subsection (a)(1), and a strategy for assigning other recommendations in the future; and

(D) a performance measurement system, including data collection and tracking and evaluating progress toward goals.

(2) REPORT OF PROGRESS.—Not later than 1 year after the date of the agreement described in paragraph (1), the Academy shall prepare and submit a report of progress to the Maritime Administrator, the Inspector General of the Department of Transportation, and the appropriate committees of Congress.

(c) PRIORITIZATION AND IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Maritime Administrator shall provide a prioritization and implementation plan to assess, prioritize, and address the recommendations identified by the National Academy of Public Administration panel in the November 2021 report entitled ''Organizational Assessment of the United States Merchant Marine Academy: A Path Forward'' that are relevant to the Maritime Administration and not listed in subsection (a)(1). The prioritization and implementation plan shall—

(A) make use of the strategies, processes, and systems described in subsection (b)(1);

(B) include estimated timelines and cost estimates for implementation of priority goals;

(C) include summaries of stakeholder and interagency engagement used to assess goals and timelines; and

(D) be released publicly and submitted to the Inspector General of the Department of Transportation and the appropriate committees of Congress.

(2) AUDIT AND REPORT.—The Inspector General of the Department of Transportation shall—

(A) not later than 180 days after the date of publication of the prioritization and implementation plan described in paragraph (1), initiate an audit of the Maritime Administration's actions to address the prioritization and implementation plan;

(B) monitor the Maritime Administration's actions to implement recommendations made by the Inspector General's audit described in subparagraph (A) and in prior audits of the Maritime Administration's implementation of National Academy of Public Administration recommendations and periodically initiate subsequent audits of the Maritime Administration's continued actions to address the prioritization and implementation plan, as the Inspector General determines may be necessary; and

(C) release publicly and submit to the Administrator of the Maritime Administration and the appropriate committees of Congress a report containing the results of the audit once the audit is completed.

(3) REPORT OF PROGRESS.—Not later than 180 days after the date of publication of the Inspector General's report described in paragraph (2)(C), and annually thereafter, the Administrator of the Maritime Administration shall prepare and submit a report to the Inspector General of the Department of Transportation and the appropriate committees of Congress describing—

(A) the Maritime Administration's planned actions and estimated timeframes for taking action to implement any open or unresolved recommendations from the Inspector General's reports described in paragraph (2) and in subsection (a); and

(B) any target action dates associated with open and unresolved recommendations from the Inspector General's reports described in paragraph (2) and in subsection (a) which the Maritime Administration failed to meet or for which it requested an extension of time, and the reasons for which an extension was necessary.

(d) AGREEMENT FOR PLAN ON CAPITAL IMPROVEMENTS.—Not later than 90 days after the date of enactment of this title, the Maritime Administration shall enter into an agreement with a Federal construction agent to create a plan to execute capital improvements at the United States Merchant Marine Academy.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Appropriations Subcommittees on Transportation, Housing and Urban Development, and Related Agencies of the Senate and the House of Representatives, and the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 3539. SERVICE ACADEMY FACULTY PARITY.

Section 105 of title 17, United States Code, is amended—

(1) in the heading of subsection (b), by striking ''CERTAIN OF WORKS '' and inserting ''CERTAIN WORKS'';

(2) in the first subsection (c), by striking ''The Secretary of Defense may'' and inserting ''The Secretary of Defense (or, with respect to the United States Merchant Marine Academy, the Secretary of Transportation, or, with respect to the United States Coast Guard Academy, the Secretary of Homeland Security) may'';

(3) by redesignating the second subsection (c) as subsection (d); and

(4) in subsection (d)(2), as redesignated by paragraph (3), by adding at the end the following:

''(M) United States Merchant Marine Academy.''.

SEC. 3540. UPDATED REQUIREMENTS FOR FISHING CREW AGREEMENTS.

Section 10601(b) of title 46, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (3) as paragraph (4); and

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

''(3) if the vessel is a catcher processor or fish processing vessel with more than 25 crew, require that the crewmember be served not less than 3 meals a day that total not less than 3,100 calories, including adequate water and minerals in accordance with the Untied States Recommended Daily Allowances; and''.

Subtitle E—Technology Innovation and Resilience

SEC. 3541. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.

Section 50307 of title 46, United States Code, is amended—

(1) by striking the subsection (a) enumerator and all that follows through ''Transportation'' and inserting the following:

''(a) EMERGING MARINE TECHNOLOGIES AND PRACTICES.—

''(1) IN GENERAL.—The Secretary of Transportation'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively and adjusting the margins accordingly; and

(ii) in clause (iv), as redesignated by clause (i), by striking ''propeller cavitation'' and inserting ''incidental vessel-generated underwater noise, such as noise from propeller cavitation or hydrodynamic flow'';

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively and adjusting the margins accordingly;

(3) in subsection (c), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively and adjusting the margins accordingly;

(4) by redesignating subsections (b) through (d) as paragraphs (2) through (4), respectively and adjusting the margins accordingly;

(5) by redesignating subsection (e) as subsection (b);

(6) by striking subsection (f);

(7) in subsection (a)—

(A) in paragraph (1), as designated under paragraph (1) of this section—

(i) by inserting ''or support'' after ''engage in'';

(ii) by striking ''the use of public'' and all that follows through the end of the sentence and inserting ''eligible entities.'';

(B) in paragraph (2), as redesignated under paragraph (4) of this section—

(i) by striking ''this section'' and inserting ''this subsection'';

(ii) by striking ''or improve'' and inserting ''improve, or support efforts related to,'';

(C) in paragraph (3), as redesignated by paragraph (4) of this section, by striking ''under subsection (b)(2) may include'' and inserting ''with other Federal agencies or with State, local, or Tribal governments, as appropriate, under paragraph (2)(B) may include'';

(D) in paragraph (4), as redesignated by paragraph (4) of this section—

(i) by striking ''academic, public, private, and nongovernmental entities and facilities'' and inserting ''eligible entities''; and

(ii) by striking ''subsection (a)'' and inserting ''this subsection''; and

(E) by adding at the end the following:

''(5) GRANTS.—Subject to the availability of appropriations, the Maritime Administrator, may establish and carry out a competitive grant program to award grants to eligible entities for projects in the United States consistent with the goals of this subsection to study, evaluate, test, demonstrate, or apply technologies and practices to improve environmental performance.'';

(8) in subsection (b), as redesignated by paragraph (5) of this section, by striking ''subsection (b)(1)'' and inserting ''this section''; and

(9) by adding at the end the following:

''(c) VESSELS.—Activities carried out under a grant or cooperative agreement made under this section may be conducted on public vessels under the control of the Maritime Administration, upon approval of the Maritime Administrator.

''(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) a private entity, including a nonprofit organization;

''(2) a State, regional, local, or Tribal government or entity, including special districts;

''(3) an institution of higher education as defined under section 102 of the Higher Education Act of 1965 (? 20 U.S.C. 1002); or

''(4) a partnership or collaboration of entities described in paragraphs (1) through (3).

''(e) CENTER FOR MARITIME INNOVATION.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2023, the Secretary of Transportation shall, through a cooperative agreement, establish a United States Center for Maritime Innovation (referred to in this subsection as the 'Center') to support the study, research, development, assessment, and deployment of emerging marine technologies and practices related to the maritime transportation system.

''(2) SELECTION.—The Center shall be—

''(A) selected through a competitive process of eligible entities;

''(B) based in the United States with technical expertise in emerging marine technologies and practices related to the maritime transportation system; and

''(C) located in close proximity to eligible entities with expertise in United States emerging marine technologies and practices, including the use of alternative fuels and the development of both vessel and shoreside infrastructure.

''(3) COORDINATION.—The Secretary of Transportation shall coordinate with other agencies critical for science, research, and regulation of emerging marine technologies for the maritime sector, including the Department of Energy, the Environmental Protection Agency, the National Science Foundation, and the Coast Guard, when establishing the Center.

''(4) FUNCTIONS.—The Center shall—

''(A) support eligible entities regarding the development and use of clean energy and necessary infrastructure to support the deployment of clean energy on vessels of the United States;

''(B) monitor and assess, on an ongoing basis, the current state of knowledge regarding emerging marine technologies in the United States;

''(C) identify any significant gaps in emerging marine technologies research specific to the United States maritime industry, and seek to fill those gaps;

''(D) conduct research, development, testing, and evaluation for equipment, technologies, and techniques to address the components under subsection (a)(2);

''(E) provide—

''(i) guidance on best available technologies;

''(ii) technical analysis;

''(iii) assistance with understanding complex regulatory requirements; and

''(iv) documentation of best practices in the maritime industry, including training and informational webinars on solutions for the maritime industry; and

''(F) work with academic and private sector response training centers and Domestic Maritime Workforce Training and Education Centers of Excellence to develop maritime strategies applicable to various segments of the United States maritime industry, including the inland, deep water, and coastal fleets.''.

SEC. 3542. QUIETING FEDERAL NON-COMBATIVE VESSELS.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Maritime Administration, and the Secretary of the department in which the Coast Guard is operating, shall, not later than 18 months after the date of enactment of this section, submit a report to the committees identified under subsection (b) and publish an unclassified report—

(1) identifying existing, at the time of submission, non-classified naval technologies that reduce underwater noise; and

(2) evaluating the effectiveness and feasibility of incorporating such technologies in the design, procurement, and construction of non-combatant vessels of the United States.

(b) COMMITTEES.—The report under subsection (a) shall be submitted the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3543. STUDY ON STORMWATER IMPACTS ON SALMON.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall commence a study that—

(1) examines the existing science on tire-related chemicals in stormwater runoff at ports and associated transportation infrastructure and the impacts of such chemicals on Pacific salmon and steelhead;

(2) examines the challenges of studying tire-related chemicals in stormwater runoff at ports and associated transportation infrastructure and the impacts of such chemicals on Pacific salmon and steelhead;

(3) provides recommendations for improving monitoring of stormwater and research related to run-off for tire-related chemicals and the impacts of such chemicals on Pacific salmon and steelhead at ports and associated transportation infrastructure near ports; and

(4) provides recommendations based on the best available science on relevant management approaches at ports and associated transportation infrastructure under their respective jurisdictions.

(b) SUBMISSION OF STUDY.—Not later than 18 months after commencing the study under subsection (a), the Administrator of the National Oceanic and Atmospheric Administration, in concert with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall—

(1) submit the study to the Committee on and Environment and Public Works Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, including detailing any findings from the study; and

(2) make such study publicly available.

SEC. 3544. STUDY TO EVALUATE EFFECTIVE VESSEL QUIETING MEASURES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator of the Maritime Administration, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere and the Secretary of the Department in which the Coast Guard is operating, shall submit to the committees identified under subsection (b), and make publicly available on the website of the Department of Transportation, a report that includes, at a minimum—

(1) a review of technology-based controls and best management practices for reducing vessel-generated underwater noise; and

(2) for each technology-based control and best management practice identified, an evaluation of—

(A) the applicability of each measure to various vessel types;

(B) the technical feasibility and economic achievability of each measure; and

(C) the co-benefits and trade-offs of each measure.

(b) COMMITTEES.—The report under subsection (a) shall be submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SA 6438. 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 end, add the following:

DIVISION E—HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS MATTERS

SEC. 5001. TABLE OF CONTENTS.

The table of contents for this division is as follows:

TITLE LI—HOMELAND SECURITY

Subtitle A—Global Catastrophic Risk Management Act of 2022

SEC. 5101. SHORT TITLE.

This subtitle may be cited as the ''Global Catastrophic Risk Management Act of 2022''.

SEC. 5102. DEFINITIONS.

In this subtitle:

(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 5103.

(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. 5103. 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. 5104. 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. 5105. 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 5104, 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. 5106. 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. 5107. VALIDATION OF THE STRATEGY THROUGH AN EXERCISE.

Not later than 1 year after the addition of the annex required under section 5106, 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 5106.

SEC. 5108. 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 5106, 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 5106.

(b) INCLUSION IN REPORTS.—The President may include the recommendations required under subsection (a) in a report submitted under section 5109.

SEC. 5109. REPORTING REQUIREMENTS.

Not later than 1 year after the date on which Department of Homeland Security leads the exercise under section 5107, 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 5106; and

(2) an after-action report following the conduct of the exercise described in section 5107.

SEC. 5110. RULE OF CONSTRUCTION.

Nothing in this subtitle 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.).

Subtitle B—DHS Trade and Economic Security Council

SEC. 5111. 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.

Subtitle C—Transnational Criminal Investigative Units

SEC. 5121. SHORT TITLE.

This subtitle may be cited as the ''Transnational Criminal Investigative Unit Stipend Act''.

SEC. 5122. STIPENDS FOR TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

''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.''.

(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 890B the following:

''Sec. 890C. Transnational Criminal Investigative Units.''.

Subtitle D—Technological Hazards Preparedness and Training

SEC. 5131. SHORT TITLE.

This subtitle may be cited as the ''Technological Hazards Preparedness and Training Act of 2022''.

SEC. 5132. DEFINITIONS.

In this subtitle:

(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.

SEC. 5133. ASSISTANCE AND TRAINING FOR COMMUNITIES WITH TECHNOLOGICAL HAZARDS AND RELATED EMERGING THREATS.

(a) 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.

(b) AUTHORITIES.—The Administrator shall carry out subsection (a) in accordance with—

(1) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) section 1236 of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5196g); and

(3) the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394).

(c) ASSESSMENT AND NOTIFICATION.—In carrying out subsection (a), the Administrator shall—

(1) 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

(2) ensure each State and Indian Tribal government is aware of—

(A) the communities identified under paragraph (1); and

(B) the availability of programming under this section for—

(i) technological hazards and related emerging threats preparedness; and

(ii) building community capability.

(d) 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—

(1) actions taken to implement this section; and

(2) 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.

(e) 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.

SEC. 5134. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $20,000,000 for each of fiscal years 2023 through 2024.

SEC. 5135. SAVINGS PROVISION.

Nothing in this subtitle 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).

Subtitle E—Offices of Countering Weapons of Mass Destruction and Health Security

SEC. 5141. SHORT TITLE.

This subtitle may be cited as the ''Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022''.

CHAPTER 1—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

SEC. 5142. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

(a) HOMELAND SECURITY ACT OF 2002.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 590 et seq.) is amended—

(1) in section 1901 (6 U.S.C. 591)—

(A) in subsection (c), by amending paragraphs (1) and (2) to read as follows:

''(1) matters and strategies pertaining to—

''(A) weapons of mass destruction; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

''(2) coordinating the efforts of the Department to counter—

''(A) weapons of mass destruction; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats.''; and

(B) by striking subsection (e);

(2) by amending section 1921 (6 U.S.C. 591g) to read as follows:

''SEC. 1921. MISSION OF THE OFFICE.

''The Office shall be responsible for—

''(1) coordinating the efforts of the Department to counter—

''(A) weapons of mass destruction; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats; and

''(2) enhancing the ability of Federal, State, local, Tribal, and territorial partners to prevent, detect, protect against, and mitigate the impacts of attacks using—

''(A) weapons of mass destruction against the United States; and

''(B) chemical, biological, radiological, nuclear, and other related emerging threats against the United States.'';

(3) in section 1922 (6 U.S.C. 591h)—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(4) in section 1923 (6 U.S.C. 592)—

(A) by redesignating subsections (a) and (b) as subsections (b) and (d), respectively;

(B) by inserting before subsection (b), as so redesignated, the following:

''(a) OFFICE RESPONSIBILITIES.—

''(1) IN GENERAL.—For the purposes of coordinating the efforts of the Department to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

''(A) provide expertise and guidance to Department leadership and components on chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G);

''(B) in coordination with the Office for Strategy, Policy, and Plans, lead development of policies and strategies to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats on behalf of the Department;

''(C) identify, assess, and prioritize capability gaps relating to the strategic and mission objectives of the Department for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(D) in coordination with the Office of Intelligence and Analysis, support components of the Department, and Federal, State, local, Tribal, and territorial partners, provide intelligence and information analysis and reports on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(E) in consultation with the Science and Technology Directorate, assess risk to the United States from weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats;

''(F) lead development and prioritization of Department requirements to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, subject to the research, development, testing, and evaluation coordination requirement described in subparagraph (G), which requirements shall be—

''(i) developed in coordination with end users; and

''(ii) reviewed by the Joint Requirements Council, as directed by the Secretary;

''(G) in coordination with the Science and Technology Directorate, direct, fund, and coordinate capability development activities to counter weapons of mass destruction and all chemical, biological, radiological, nuclear, and other related emerging threats research, development, test, and evaluation matters, including research, development, testing, and evaluation expertise, threat characterization, technology maturation, prototyping, and technology transition;

''(H) acquire, procure, and deploy counter weapons of mass destruction capabilities, and serve as the lead advisor of the Department on component acquisition, procurement, and deployment of counter-weapons of mass destruction capabilities;

''(I) in coordination with the Office of Health Security, support components of the Department, and Federal, State, local, Tribal, and territorial partners on chemical, biological, radiological, nuclear, and other related emerging threats health matters;

''(J) provide expertise on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats to Department and Federal partners to support engagements and efforts with international partners subject to the research, development, testing, and evaluation

coordination requirement under subparagraph (G); and

''(K) carry out any other duties assigned to the Office by the Secretary.

''(2) DETECTION AND REPORTING.—For purposes of the detection and reporting responsibilities of the Office for weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, the Office shall—

''(A) in coordination with end users, including State, local, Tribal, and territorial partners, as appropriate—

''(i) carry out a program to test and evaluate technology, in consultation with the Science and Technology Directorate, to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material, in coordination with other Federal agencies, as appropriate, and establish performance metrics to evaluate the effectiveness of individual detectors and detection systems in detecting those weapons or material—

''(I) under realistic operational and environmental conditions; and

''(II) against realistic adversary tactics and countermeasures;

''(B) in coordination with end users, conduct, support, coordinate, and encourage a transformational program of research and development to generate and improve technologies to detect, protect against, and report on the illicit entry, transport, assembly, or potential use within the United States of weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material, and coordinate with the Under Secretary for Science and Technology on research and development efforts relevant to the mission of the Office and the Under Secretary for Science and Technology;

''(C) before carrying out operational testing under subparagraph (A), develop a testing and evaluation plan that articulates the requirements for the user and describes how these capability needs will be tested in developmental test and evaluation and operational test and evaluation;

''(D) as appropriate, develop, acquire, and deploy equipment to detect and report on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats weapons or unauthorized material in support of Federal, State, local, Tribal, and territorial governments;

''(E) support and enhance the effective sharing and use of appropriate information on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats and related emerging issues generated by elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), law enforcement agencies, other Federal agencies, State, local, Tribal, and territorial governments, and foreign governments, as well as provide appropriate information to those entities;

''(F) consult, as appropriate, with the Federal Emergency Management Agency and other departmental components, on weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats and efforts to mitigate, prepare, and respond to all threats in support of the State, local, and Tribal communities; and

''(G) perform other duties as assigned by the Secretary.'';

(C) in subsection (b), as so redesignated—

(i) in the subsection heading, by striking ''MISSION'' and inserting ''RADIOLOGICAL AND NUCLEAR RESPONSIBILITIES'';

(ii) in paragraph (1)—

(I) by inserting ''deploy,'' after ''acquire,''; and

(II) by striking ''deployment'' and inserting ''operations'';

(iii) by striking paragraphs (6) through (10);

(iv) redesignating paragraphs (11) and (12) as paragraphs (6) and (7), respectively;

(v) in paragraph (6)(B), as so redesignated, by striking ''national strategic five-year plan referred to in paragraph (10)'' and inserting ''United States national technical nuclear forensics strategic planning'';

(vi) in paragraph (7)(C)(v), as so redesignated—

(I) in the matter preceding subclause (I), by inserting ''except as otherwise provided,'' before ''require''; and

(II) in subclause (II)—

(aa) in the matter preceding item (aa), by striking ''death or disability'' and inserting ''death, disability, or a finding of good cause as determined by the Assistant Secretary (including extreme hardship, extreme need, or the needs of the Office) and for which the Assistant Secretary may grant a waiver of the repayment obligation''; and

(bb) in item (bb), by adding ''and'' at the end;

(vii) by striking paragraph (13); and

(viii) by redesignating paragraph (14) as paragraph (8); and

(D) by inserting after subsection (b), as so redesignated, the following:

''(c) CHEMICAL AND BIOLOGICAL RESPONSIBILITIES.—The Office—

''(1) shall be responsible for coordinating with other Federal efforts to enhance the ability of Federal, State, local, and Tribal governments to prevent, detect, protect against, and mitigate the impacts of chemical and biological threats against the United States; and

''(2) shall—

''(A) serve as a primary entity of the Federal Government to further develop, acquire, deploy, and support the operations of a national biosurveillance system in support of Federal, State, local, Tribal, and territorial governments, and improve that system over time;

''(B) enhance the chemical and biological detection efforts of Federal, State, local, Tribal, and territorial governments and provide guidance, tools, and training to help ensure a managed, coordinated response; and

''(C) collaborate with the Biomedical Advanced Research and Development Authority, the Office of Health Security, the Defense Advanced Research Projects Agency, and the National Aeronautics and Space Administration, and other relevant Federal stakeholders, and receive input from industry, academia, and the national laboratories on chemical and biological surveillance efforts.'';

(5) in section 1924 (6 U.S.C. 593), by striking ''section 11011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).'' and inserting ''section 4092 of title 10, United States Code, except that the authority shall be limited to facilitate the recruitment of experts in the chemical, biological, radiological, or nuclear specialties.'';

(6) in section 1927(a)(1)(C) (6 U.S.C. 596a(a)(1)(C))—

(A) in clause (i), by striking ''required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010'';

(B) in clause (ii), by striking ''and'' at the end;

(C) in clause (iii), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) includes any other information regarding national technical nuclear forensics activities carried out under section 1923.'';

(7) in section 1928 (6 U.S.C. 596b)—

(A) in subsection (c)(1), by striking ''from among high-risk urban areas under section 2003'' and inserting ''based on the capability and capacity of the jurisdiction, as well as the relative threat, vulnerability, and consequences from terrorist attacks and other high-consequence events utilizing nuclear or other radiological materials''; and

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

''(d) REPORT.—Not later than 2 years after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall submit to the appropriate congressional committees an update on the STC program.''; and

(8) by adding at the end the following:

''SEC. 1929. ACCOUNTABILITY.

''(a) DEPARTMENTWIDE STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to counter weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats, which should—

''(A) have clearly identified authorities, specified roles, objectives, benchmarks, accountability, and timelines;

''(B) incorporate the perspectives of non-Federal and private sector partners; and

''(C) articulate how the Department will contribute to relevant national-level strategies and work with other Federal agencies.

''(2) CONSIDERATION.—The Secretary shall appropriately consider weapons of mass destruction and chemical, biological, radiological, nuclear, and other related emerging threats when creating the strategy and implementation plan required under paragraph (1).

''(3) REPORT.—The Office shall submit to the appropriate congressional committees a report on the updated Departmentwide strategy and implementation plan required under paragraph (1).

''(b) DEPARTMENTWIDE BIODEFENSE REVIEW AND STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary, in consultation with appropriate stakeholders representing Federal, State, Tribal, territorial, academic, private sector, and nongovernmental entities, shall conduct a Departmentwide review of biodefense activities and strategies.

''(2) REVIEW.—The review required under paragraph (1) shall—

''(A) identify with specificity the biodefense lines of effort of the Department, including relating to biodefense roles, responsibilities, and capabilities of components and offices of the Department;

''(B) assess how such components and offices coordinate internally and with public and private partners in the biodefense enterprise;

''(C) identify any policy, resource, capability, or other gaps in the Department's ability to assess, prevent, protect against, and respond to biological threats; and

''(D) identify any organizational changes or reforms necessary for the Department to effectively execute its biodefense mission and role, including with respect to public and private partners in the biodefense enterprise.

''(3) STRATEGY.—Not later than 1 year after completion of the review required under paragraph (1), the Secretary shall issue a biodefense strategy for the Department that—

''(A) is informed by such review and is aligned with section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104; relating to the development of a national biodefense strategy and associated implementation plan, including a review and assessment of biodefense policies, practices, programs, and initiatives) or any successor strategy; and

''(B) shall—

''(i) describe the biodefense mission and role of the Department, as well as how such mission and role relates to the biodefense lines of effort of the Department;

''(ii) clarify, as necessary, biodefense roles, responsibilities, and capabilities of the components and offices of the Department involved in the biodefense lines of effort of the Department;

''(iii) establish how biodefense lines of effort of the Department are to be coordinated within the Department;

''(iv) establish how the Department engages with public and private partners in the biodefense enterprise, including other Federal agencies, national laboratories and sites, and State, local, Tribal, and territorial entities, with specificity regarding the frequency and nature of such engagement by Department components and offices with State, local, Tribal and territorial entities; and

''(v) include information relating to—

''(I) milestones and performance metrics that are specific to the biodefense mission and role of the Department described in clause (i); and

''(II) implementation of any operational changes necessary to carry out clauses (iii) and (iv).

''(4) PERIODIC UPDATE.—Beginning not later than 5 years after the issuance of the biodefense strategy and implementation plans required under paragraph (3), and not less often than once every 5 years thereafter, the Secretary shall review and update, as necessary, such strategy and plans.

''(5) CONGRESSIONAL OVERSIGHT.—Not later than 30 days after the issuance of the biodefense strategy and implementation plans required under paragraph (3), the Secretary shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding such strategy and plans.

''(c) EMPLOYEE MORALE.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Office shall submit to and brief the appropriate congressional committees on a strategy and plan to continuously improve morale within the Office.

''(d) COMPTROLLER GENERAL.—Not later than 1 year after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Comptroller General of the United States shall conduct a review of and brief the appropriate congressional committees on—

''(1) the efforts of the Office to prioritize the programs and activities that carry out the mission of the Office, including research and development;

''(2) the consistency and effectiveness of stakeholder coordination across the mission of the Department, including operational and support components of the Department and State and local entities; and

''(3) the efforts of the Office to manage and coordinate the lifecycle of research and development within the Office and with other components of the Department, including the Science and Technology Directorate.

''(e) NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE.—

''(1) STUDY.—The Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a consensus study and report to the Secretary and the appropriate congressional committees on—

''(A) the role of the Department in preparing, detecting, and responding to biological and health security threats to the homeland;

''(B) recommendations to improve departmental biosurveillance efforts against biological threats, including any relevant biological detection methods and technologies; and

''(C) the feasibility of different technological advances for biodetection compared to the cost, risk reduction, and timeliness of those advances.

''(2) BRIEFING.—Not later than 1 year after the date on which the Secretary receives the report required under paragraph (1), the Secretary shall brief the appropriate congressional committees on—

''(A) the implementation of the recommendations included in the report; and

''(B) the status of biological detection at the Department, and, if applicable, timelines for the transition from Biowatch to updated technology.

''(f) ADVISORY COUNCIL.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Offices of Countering Weapons of Mass Destruction and Health Security Act of 2022, the Secretary shall establish an advisory body to advise on the ongoing coordination of the efforts of the Department to counter weapons of mass destruction, to be known as the Advisory Council for Countering Weapons of Mass Destruction (in this subsection referred to as the 'Advisory Council').

''(2) MEMBERSHIP.—The members of the Advisory Council shall—

''(A) be appointed by the Assistant Secretary; and

''(B) to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of officials, from State, local, and Tribal governments, academia, the private sector, national laboratories, and nongovernmental organizations, including, as appropriate—

''(i) members selected from the emergency management field and emergency response providers;

''(ii) State, local, and Tribal government officials;

''(iii) experts in the public and private sectors with expertise in chemical, biological, radiological, and nuclear agents and weapons;

''(iv) representatives from the national laboratories; and

''(v) such other individuals as the Assistant Secretary determines to be appropriate.

''(3) RESPONSIBILITIES.— The Advisory Council shall—

''(A) advise the Assistant Secretary on all aspects of countering weapons of mass destruction;

''(B) incorporate State, local, and Tribal government, national laboratories, and private sector input in the development of the strategy and implementation plan of the Department for countering weapons of mass destruction; and

''(C) establish performance criteria for a national biological detection system and review the testing protocol for biological detection prototypes.

''(4) CONSULTATION.—To ensure input from and coordination with State, local, and Tribal governments, the Assistant Secretary shall regularly consult and work with the Advisory Council on the administration of Federal assistance provided by the Department, including with respect to the development of requirements for countering weapons of mass destruction programs, as appropriate.

''(5) VOLUNTARY SERVICE.—The members of the Advisory Council shall serve on the Advisory Council on a voluntary basis.

''(6) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.''.

(b) COUNTERING WEAPONS OF MASS DESTRUCTION ACT OF 2018.—Section 2 of the Countering Weapons of Mass Destruction Act of 2018 (Public Law 115–387; 132 Stat. 5162) is amended—

(1) in subsection (b)(2) (6 U.S.C. 591 note), by striking ''1927'' and inserting ''1926''; and

(2) in subsection (g) (6 U.S.C. 591 note)—

(A) in the matter preceding paragraph (1), by striking ''one year after the date of the enactment of this Act, and annually thereafter,'' and inserting ''June 30 of each year,''; and

(B) in paragraph (2), by striking ''Security, including research and development activities'' and inserting ''Security''.

(c) SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT OF 2006.—The Security and Accountability for Every Port Act of 2006 (6 U.S.C. 901 et seq.) is amended—

(1) in section 1(b) (Public Law 109–347; 120 Stat 1884), by striking the item relating to section 502; and

(2) by striking section 502 (6 U.S.C. 592a).

SEC. 5143. RULE OF CONSTRUCTION.

Nothing in this chapter or the amendments made by this chapter shall be construed to affect or diminish the authorities or responsibilities of the Under Secretary for Science and Technology.

CHAPTER 2—OFFICE OF HEALTH SECURITY

SEC. 5144. OFFICE OF HEALTH SECURITY.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103 (6 U.S.C. 113)—

(A) in subsection (a)(2)—

(i) by striking ''the Assistant Secretary for Health Affairs,''; and

(ii) by striking ''Affairs, or'' and inserting ''Affairs or''; and

(B) in subsection (d), by adding at the end the following:

''(6) A Chief Medical Officer.'';

(2) by adding at the end the following:

''TITLE XXIII—OFFICE OF HEALTH SECURITY'';

(3) by redesignating section 1931 (6 U.S.C. 597) as section 2301 and transferring such section to appear after the heading for title XXIII, as added by paragraph (2); and

(4) in section 2301, as so redesignated—

(A) in the section heading, by striking ''**CHIEF MEDICAL OFFICER**'' and inserting ''**OFFICE OF HEALTH SECURITY**'';

(B) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—There is established in the Department an Office of Health Security.

''(b) HEAD OF OFFICE OF HEALTH SECURITY.—The Office of Health Security shall be headed by a chief medical officer, who shall—

''(1) be the Assistant Secretary for Health Security and the Chief Medical Officer of the Department;

''(2) be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health;

''(3) be appointed by the President; and

''(4) report directly to the Secretary.'';

(C) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''medical issues related to natural disasters, acts of terrorism, and other man-made disasters'' and inserting ''oversight of all medical, public health, and workforce health and safety matters of the Department'';

(ii) in paragraph (1), by striking '', the Administrator of the Federal Emergency Management Agency, the Assistant Secretary, and other Department officials'' and inserting ''and all other Department officials'';

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

(iv) by redesignating paragraph (5) as paragraph (13); and

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

''(5) overseeing all medical and public health activities of the Department, including the delivery, advisement, and oversight of direct patient care and the organization, management, and staffing of component operations that deliver direct patient care;

''(6) advising the head of each component of the Department that delivers direct patient care regarding the recruitment and appointment of a component chief medical officer and deputy chief medical officer or the employee who functions in the capacity of chief medical officer and deputy chief medical officer;

''(7) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding knowledge and skill standards for medical personnel and the assessment of that knowledge and skill;

''(8) advising the Secretary and the head of each component of the Department that delivers patient care regarding the collection, storage, and oversight of medical records;

''(9) with respect to any psychological health counseling or assistance program of the Department, including such a program of a law enforcement, operational, or support component of the Department, advising the head of each such component with such a program regarding—

''(A) ensuring such program includes safeguards against adverse action, including automatic referrals for a fitness for duty examination, by such component with respect to any employee solely because such employee self-identifies a need for psychological health counseling or assistance or receives such counseling or assistance;

''(B) increasing the availability and number of local psychological health professionals with experience providing psychological support services to personnel;

''(C) establishing a behavioral health curriculum for employees at the beginning of their careers to provide resources early regarding the importance of psychological health;

''(D) establishing periodic management training on crisis intervention and such component's psychological health counseling or assistance program;

''(E) improving any associated existing employee peer support programs, including by making additional training and resources available for peer support personnel in the workplace across such component;

''(F) developing and implementing a voluntary alcohol treatment program that includes a safe harbor for employees who seek treatment;

''(G) including, when appropriate, collaborating and partnering with key employee stakeholders and, for those components with employees with an exclusive representative, the exclusive representative with respect to such a program;

''(10) in consultation with the Chief Information Officer of the Department—

''(A) identifying methods and technologies for managing, updating, and overseeing patient records; and

''(B) setting standards for technology used by the components of the Department regarding the collection, storage, and oversight of medical records;

''(11) advising the Secretary and the head of each component of the Department that delivers direct patient care regarding contracts for the delivery of direct patient care, other medical services, and medical supplies;

''(12) coordinating with the Countering Weapons of Mass Destruction Office and other components of the Department as directed by the Secretary to enhance the ability of Federal, State, local, Tribal, and territorial governments to prevent, detect, protect against, and mitigate the health effects of chemical, biological, radiological, and nuclear issues; and''; and

(D) by adding at the end the following:

''(d) ASSISTANCE AND AGREEMENTS.—The Secretary, acting through the Chief Medical Officer, in support of the medical and public health activities of the Department, may—

''(1) provide technical assistance, training, and information and distribute funds through grants and cooperative agreements to State, local, Tribal, and territorial governments and nongovernmental organizations;

''(2) enter into other transactions;

''(3) enter into agreements with other Federal agencies; and

''(4) accept services from personnel of components of the Department and other Federal agencies on a reimbursable or nonreimbursable basis.

''(e) OFFICE OF HEALTH SECURITY PRIVACY OFFICER.—There shall be a Privacy Officer in the Office of Health Security with primary responsibility for privacy policy and compliance within the Office, who shall—

''(1) report directly to the Chief Medical Officer; and

''(2) ensure privacy protections are integrated into all Office of Health Security activities, subject to the review and approval of the Privacy Officer of the Department to the extent consistent with the authority of the Privacy Officer of the Department under section 222.

''(f) ACCOUNTABILITY.—

''(1) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this section, and every 4 years thereafter, the Secretary shall create a Departmentwide strategy and implementation plan to address health threats.

''(2) BRIEFING.—Not later than 90 days after the date of enactment of this section, the Secretary shall brief the appropriate congressional committees on the organizational transformations of the Office of Health Security, including how best practices were used in the creation of the Office of Health Security.'';

(5) by redesignating section 710 (6 U.S.C. 350) as section 2302 and transferring such section to appear after section 2301, as so redesignated;

(6) in section 2302, as so redesignated—

(A) in the section heading, by striking ''**MEDICAL SUPPORT**'' and inserting ''**SAFETY**'';

(B) in subsection (a), by striking ''Under Secretary for Management'' each place that term appears and inserting ''Chief Medical Officer''; and

(C) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''Under Secretary for Management, in coordination with the Chief Medical Officer,'' and inserting ''Chief Medical Officer''; and

(ii) in paragraph (3), by striking ''as deemed appropriate by the Under Secretary,'';

(7) by redesignating section 528 (6 U.S.C. 321q) as section 2303 and transferring such section to appear after section 2302, as so redesignated; and

(8) in section 2303(a), as so redesignated, by striking ''Assistant Secretary for the Countering Weapons of Mass Destruction Office'' and inserting ''Chief Medical Officer''.

(b) TRANSITION AND TRANSFERS.—

(1) TRANSITION.—The individual appointed pursuant to section 1931 of the Homeland Security Act of 2002 (6 U.S.C. 597) of the Department of Homeland Security, as in effect on the day before the date of enactment of this Act, and serving as the Chief Medical Officer of the Department of Homeland Security on the day before the date of enactment of this Act, shall continue to serve as the Chief Medical Officer of the Department on and after the date of enactment of this Act without the need for reappointment.

(2) RULE OF CONSTRUCTION.—The rule of construction described in section 2(hh) of the Presidential Appointment Efficiency and Streamlining Act of 2011 (5 U.S.C. 3132 note) shall not apply to the Chief Medical Officer of the Department of Homeland Security, including the incumbent who holds the position on the day before the date of enactment of this Act, and such officer shall be paid pursuant to section 3132(a)(2) or 5315 of title 5, United States Code.

(3) TRANSFER.—The Secretary of Homeland Security shall transfer to the Chief Medical Officer of the Department of Homeland Security—

(A) all functions, personnel, budget authority, and assets of the Under Secretary for Management relating to workforce health and safety, as in existence on the day before the date of enactment of this Act;

(B) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office relating to the Chief Medical Officer, including the Medical Operations Directorate of the Countering Weapons of Mass Destruction Office, as in existence on the day before the date of enactment of this Act; and

(C) all functions, personnel, budget authority, and assets of the Assistant Secretary for the Countering Weapons of Mass Destruction Office associated with the efforts pertaining to the program coordination activities relating to defending the food, agriculture, and veterinary defenses of the Office, as in existence on the day before the date of enactment of this Act.

SEC. 5145. MEDICAL COUNTERMEASURES PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by redesignating section 1932 (6 U.S.C. 597a) as section 2304 and transferring such section to appear after section 2303, as so redesignated by section 5144 of this subtitle.

SEC. 5146. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

Title XXIII of the Homeland Security Act of 2002, as added by this chapter, is amended by adding at the end the following:

''SEC. 2305. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

''(a) DEFINITIONS.—In this section:

''(1) HEALTH CARE PROVIDER.—The term 'health care provider' means an individual who—

''(A) is—

''(i) an employee of the Department;

''(ii) a detailee to the Department from another Federal agency;

''(iii) a personal services contractor of the Department; or

''(iv) hired under a contract for services;

''(B) performs health care services as part of duties of the individual in that capacity; and

''(C) has a current, valid, and unrestricted license or certification—

''(i) that is issued by a State, the District of Columbia, or a commonwealth, territory, or possession of the United States; and

''(ii) that is for the practice of medicine, osteopathic medicine, dentistry, nursing, emergency medical services, or another health profession.

''(2) MEDICAL QUALITY ASSURANCE PROGRAM.—The term 'medical quality assurance program' means any activity carried out by the Department to assess the quality of medical care, including activities conducted by individuals, committees, or other review bodies responsible for quality assurance, credentials, infection control, incident reporting, the delivery, advisement, and oversight of direct patient care and assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review, and identification and prevention of medical, mental health, or dental incidents and risks.

''(3) MEDICAL QUALITY ASSURANCE RECORD OF THE DEPARTMENT.—The term 'medical quality assurance record of the Department' means all information, including the proceedings, records (including patient records that the Department creates and maintains as part of a system of records), minutes, and reports that—

''(A) emanate from quality assurance program activities described in paragraph (2); and

''(B) are produced or compiled by the Department as part of a medical quality assurance program.

''(b) CONFIDENTIALITY OF RECORDS.—A medical quality assurance record of the Department that is created as part of a medical quality assurance program—

''(1) is confidential and privileged; and

''(2) except as provided in subsection (d), may not be disclosed to any person or entity.

''(c) PROHIBITION ON DISCLOSURE AND TESTIMONY.—Except as otherwise provided in this section—

''(1) no part of any medical quality assurance record of the Department may be subject to discovery or admitted into evidence in any judicial or administrative proceeding; and

''(2) an individual who reviews or creates a medical quality assurance record of the Department or who participates in any proceeding that reviews or creates a medical quality assurance record of the Department may not be permitted or required to testify in any judicial or administrative proceeding with respect to the record or with respect to any finding, recommendation, evaluation, opinion, or action taken by that individual in connection with the record.

''(d) AUTHORIZED DISCLOSURE AND TESTIMONY.—

''(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record of the Department may be disclosed, and a person described in subsection (c)(2) may give testimony in connection with the record, only as follows:

''(A) To a Federal agency or private organization, if the medical quality assurance record of the Department or testimony is needed by the Federal agency or private organization to—

''(i) perform licensing or accreditation functions related to Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services; or

''(ii) perform monitoring, required by law, of Department health care facilities, a facility affiliated with the Department, or any other location authorized by the Secretary for the performance of health care services.

''(B) To an administrative or judicial proceeding concerning an adverse action related to the credentialing of or health care provided by a present or former health care provider by the Department.

''(C) To a governmental board or agency or to a professional health care society or organization, if the medical quality assurance record of the Department or testimony is needed by the board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was a health care provider for the Department.

''(D) To a hospital, medical center, or other institution that provides health care services, if the medical quality assurance record of the Department or testimony is needed by the institution to assess the professional qualifications of any health care provider who is or was a health care provider for the Department and who has applied for or been granted authority or employment to provide health care services in or on behalf of the institution.

''(E) To an employee, a detailee, or a contractor of the Department who has a need for the medical quality assurance record of the Department or testimony to perform official duties or duties within the scope of their contract.

''(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of the agency or instrumentality makes a written request that the medical quality assurance record of the Department or testimony be provided for a purpose authorized by law.

''(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality described in subparagraph (F), but only with respect to the subject of the proceeding.

''(2) PERSONALLY IDENTIFIABLE INFORMATION.—

''(A) IN GENERAL.—With the exception of the subject of a quality assurance action, personally identifiable information of any person receiving health care services from the Department or of any other person associated with the Department for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record of the Department shall be deleted from that record before any disclosure of the record is made outside the Department.

''(B) APPLICATION.—The requirement under subparagraph (A) shall not apply to the release of information that is permissible under section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974').

''(e) DISCLOSURE FOR CERTAIN PURPOSES.—Nothing in this section shall be construed—

''(1) to authorize or require the withholding from any person or entity aggregate statistical information regarding the results of medical quality assurance programs; or

''(2) to authorize the withholding of any medical quality assurance record of the Department from a committee of either House of Congress, any joint committee of Congress, or the Comptroller General of the United States if the record pertains to any matter within their respective jurisdictions.

''(f) PROHIBITION ON DISCLOSURE OF INFORMATION, RECORD, OR TESTIMONY.—A person or entity having possession of or access to a medical quality assurance record of the Department or testimony described in this section may not disclose the contents of the record or testimony in any manner or for any purpose except as provided in this section.

''(g) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—A medical quality assurance record of the Department shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the 'Freedom of Information Act').

''(h) LIMITATION ON CIVIL LIABILITY.—A person who participates in the review or creation of, or provides information to a person or body that reviews or creates, a medical quality assurance record of the Department shall not be civilly liable for that participation or for providing that information if the participation or provision of information was provided in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

''(i) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including the medical record of a patient, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

''(j) PENALTY.—Any person who willfully discloses a medical quality assurance record of the Department other than as provided in this section, knowing that the record is a medical quality assurance record of the Department shall be fined not more than $3,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.

''(k) RELATIONSHIP TO COAST GUARD.—The requirements of this section shall not apply to any medical quality assurance record of the Department that is created by or for the Coast Guard as part of a medical quality assurance program.''.

SEC. 5147. PORTABILITY OF LICENSURE.

(a) TRANSFER.—Section 16005 of the CARES Act (6 U.S.C. 320 note) is redesignated as section 2306 of the Homeland Security Act of 2002 and transferred so as to appear after section 2305, as added by section 5146 of this subtitle.

(b) REPEAL.—Section 2306 of the Homeland Security Act of 2002, as so redesignated by subsection (a), is amended by striking subsection (c).

SEC. 5148. TECHNICAL AND CONFORMING AMENDMENTS.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in the table of contents in section 1(b) (Public Law 107–296; 116 Stat. 2135)—

(A) by striking the items relating to sections 528 and 529 and inserting the following:

''Sec. 528. Transfer of equipment during a public health emergency.'';

(B) by striking the items relating to sections 710, 711, 712, and 713 and inserting the following:

''Sec. 710. Employee engagement.
''Sec. 711. Annual employee award program.
''Sec. 712. Acquisition professional career program.'';

(C) by inserting after the item relating to section 1928 the following:

''Sec. 1929. Accountability.'';

(D) by striking the items relating to subtitle C of title XIX and sections 1931 and 1932; and

(E) by adding at the end the following:

''TITLE XXIII—OFFICE OF HEALTH SECURITY

''Sec. 2301. Office of Health Security.
''Sec. 2302. Workforce health and safety.
''Sec. 2303. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.

(2) by redesignating section 529 (6 U.S.C. 321r) as section 528;

(3) in section 704(e)(4) (6 U.S.C. 344(e)(4)), by striking ''section 711(a)'' and inserting ''section 710(a))'';

(4) by redesignating sections 711, 712, and 713 as sections 710, 711, and 712, respectively;

(5) in subsection (d)(3) of section 1923 (6 U.S.C. 592), as so redesignated by section 5142 of this Act—

(A) in the paragraph heading, by striking ''HAWAIIAN NATIVE-SERVING'' and inserting ''NATIVE HAWAIIAN-SERVING''; and

(B) by striking ''Hawaiian native-serving'' and inserting '' 'Native Hawaiian-serving'';

(6) by striking the subtitle heading for subtitle C of title XIX; and

(7) in section 2306, as so redesignated by section 5147 of this chapter—

(A) by inserting ''**PORTABILITY OF LICENSURE.**'' after ''2306.''; and

(B) in subsection (a), by striking ''(a) Notwithstanding'' and inserting the following:

''(a) IN GENERAL.—Notwithstanding''.

Subtitle F—Satellite Cybersecurity Act

SEC. 5151. SHORT TITLE.

This subtitle may be cited as the ''Satellite Cybersecurity Act''.

SEC. 5152. DEFINITIONS.

In this subtitle:

(1) CLEARINGHOUSE.—The term ''clearinghouse'' means the commercial satellite system cybersecurity clearinghouse required to be developed and maintained under section 5154(b)(1).

(2) COMMERCIAL SATELLITE SYSTEM.—The term ''commercial satellite system''—

(A) means a system that—

(i) is owned or operated by a non-Federal entity based in the United States; and

(ii) is composed of not less than 1 earth satellite; and

(B) includes—

(i) any ground support infrastructure for each satellite in the system; and

(ii) any transmission link among and between any satellite in the system and any ground support infrastructure in the system.

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

(4) CYBERSECURITY RISK.—The term ''cybersecurity risk'' has the meaning given the term in section 2200 of the Homeland Security Act of 2002, as added by section 5194 of this Act.

(5) CYBERSECURITY THREAT.—The term ''cybersecurity threat'' has the meaning given the term in section 2200 of the Homeland Security Act of 2002, as added by section 5194 of this Act.

SEC. 5153. REPORT ON COMMERCIAL SATELLITE CYBERSECURITY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the actions the Federal Government has taken to support the cybersecurity of commercial satellite systems, including as part of any action to address the cybersecurity of critical infrastructure sectors.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Space, Science, and Technology of the House of Representatives on the study conducted under subsection (a), which shall include information on—

(1) efforts of the Federal Government to—

(A) address or improve the cybersecurity of commercial satellite systems; and

(B) support related efforts with international entities or the private sector;

(2) the resources made available to the public by Federal agencies to address cybersecurity risks and threats to commercial satellite systems, including resources made available through the clearinghouse;

(3) the extent to which commercial satellite systems and the cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans;

(4) the extent to which Federal agencies are reliant on satellite systems owned wholly or in part or controlled by foreign entities, and how Federal agencies mitigate associated cybersecurity risks;

(5) the extent to which Federal agencies coordinate or duplicate authorities and take other actions focused on the cybersecurity of commercial satellite systems; and

(6) as determined appropriate by the Comptroller General of the United States, recommendations for further Federal action to support the cybersecurity of commercial satellite systems, including recommendations on information that should be shared through the clearinghouse.

(c) CONSULTATION.—In carrying out subsections (a) and (b), the Comptroller General of the United States shall coordinate with appropriate Federal agencies and organizations, including—

(1) the Department of Homeland Security;

(2) the Department of Commerce;

(3) the Department of Defense;

(4) the Department of Transportation;

(5) the Federal Communications Commission;

(6) the National Aeronautics and Space Administration;

(7) the National Executive Committee for Space-Based Positioning, Navigation, and Timing; and

(8) the National Space Council.

(d) BRIEFING.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall provide a briefing to the appropriate congressional committees on the study conducted under subsection (a).

(e) CLASSIFICATION.—The report made under subsection (b) shall be unclassified but may include a classified annex.

SEC. 5154. RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

(2) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ESTABLISHMENT OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY CLEARINGHOUSE.—

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Director shall develop and maintain a commercial satellite system cybersecurity clearinghouse.

(2) REQUIREMENTS.—The clearinghouse—

(A) shall be publicly available online;

(B) shall contain publicly available commercial satellite system cybersecurity resources, including the voluntary recommendations consolidated under subsection (c)(1);

(C) shall contain appropriate materials for reference by entities that develop, operate, or maintain commercial satellite systems;

(D) shall contain materials specifically aimed at assisting small business concerns with the secure development, operation, and maintenance of commercial satellite systems; and

(E) may contain controlled unclassified information distributed to commercial entities through a process determined appropriate by the Director.

(3) CONTENT MAINTENANCE.—The Director shall maintain current and relevant cybersecurity information on the clearinghouse.

(4) EXISTING PLATFORM OR WEBSITE.—To the extent practicable, the Director shall establish and maintain the clearinghouse using an online platform, a website, or a capability in existence as of the date of enactment of this Act.

(c) CONSOLIDATION OF COMMERCIAL SATELLITE SYSTEM CYBERSECURITY RECOMMENDATIONS.—

(1) IN GENERAL.—The Director shall consolidate voluntary cybersecurity recommendations designed to assist in the development, maintenance, and operation of commercial satellite systems.

(2) REQUIREMENTS.—The recommendations consolidated under paragraph (1) shall include materials appropriate for a public resource addressing the following:

(A) Risk-based, cybersecurity-informed engineering, including continuous monitoring and resiliency.

(B) Planning for retention or recovery of positive control of commercial satellite systems in the event of a cybersecurity incident.

(C) Protection against unauthorized access to vital commercial satellite system functions.

(D) Physical protection measures designed to reduce the vulnerabilities of a commercial satellite system's command, control, and telemetry receiver systems.

(E) Protection against jamming, eavesdropping, hijacking, computer network exploitation, spoofing, threats to optical satellite communications, and electromagnetic pulse.

(F) Security against threats throughout a commercial satellite system's mission lifetime.

(G) Management of supply chain risks that affect the cybersecurity of commercial satellite systems.

(H) Protection against vulnerabilities posed by ownership of commercial satellite systems or commercial satellite system companies by foreign entities.

(I) Protection against vulnerabilities posed by locating physical infrastructure, such as satellite ground control systems, in foreign countries.

(J) As appropriate, and as applicable pursuant to the maintenance requirement under subsection (b)(3), relevant findings and recommendations from the study conducted by the Comptroller General of the United States under section 5153(a).

(K) Any other recommendations to ensure the confidentiality, availability, and integrity of data residing on or in transit through commercial satellite systems.

(d) IMPLEMENTATION.—In implementing this section, the Director shall—

(1) to the extent practicable, carry out the implementation in partnership with the private sector;

(2) coordinate with—

(A) the National Space Council and the head of any other agency determined appropriate by the National Space Council; and

(B) the heads of appropriate Federal agencies with expertise and experience in satellite operations, including the entities described in section 5153(c) to enable the alignment of Federal efforts on commercial satellite system cybersecurity and, to the extent practicable, consistency in Federal recommendations relating to commercial satellite system cybersecurity; and

(3) consult with non-Federal entities developing commercial satellite systems or otherwise supporting the cybersecurity of commercial satellite systems, including private, consensus organizations that develop relevant standards.

(e) SUNSET AND REPORT.—

(1) IN GENERAL.—This section shall cease to have force or effect on the date that is 7 years after the date of the enactment of this Act.

(2) REPORT.—Not later than 6 years after the date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Space, Science, and Technology of the House of Representatives a report summarizing—

(A) any partnership with the private sector described in subsection (d)(1);

(B) any consultation with a non-Federal entity described in subsection (d)(3);

(C) the coordination carried out pursuant to subsection (d)(2);

(D) the establishment and maintenance of the clearinghouse pursuant to subsection (b);

(E) the recommendations consolidated pursuant to subsection (c)(1); and

(F) any feedback received by the Director on the clearinghouse from non-Federal entities.

SEC. 5155. STRATEGY.

Not later than 120 days after the date of the enactment of this Act, the National Space Council, in coordination with the Director of the Office of Space Commerce and the heads of other relevant agencies, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Space, Science, and Technology and the Committee on Homeland Security of the House of Representatives a strategy for the activities of Federal agencies to address and improve the cybersecurity of commercial satellite systems, which shall include an identification of—

(1) proposed roles and responsibilities for relevant agencies; and

(2) as applicable, the extent to which cybersecurity threats to such systems are addressed in Federal and non-Federal critical infrastructure risk analyses and protection plans.

SEC. 5156. RULES OF CONSTRUCTION.

Nothing in this subtitle shall be construed to—

(1) designate commercial satellite systems or other space assets as a critical infrastructure sector; or

(2) infringe upon or alter the authorities of the agencies described in section 5153(c).

Subtitle G—Pray Safe Act

SEC. 5161. SHORT TITLE.

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

SEC. 5162. DEFINITIONS.

In this subtitle—

(1) the term ''Clearinghouse'' means the Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship established under section 2220E of the Homeland Security Act of 2002, as added by section 5163 of this subtitle;

(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 5163 of this subtitle; and

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

SEC. 5163. 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 5165 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. 5164. 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 5163 of this subtitle, and section 5165 of this subtitle, 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. 5165. 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 5164(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 5164 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. 5166. 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. 5167. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle 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. 5168. 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 subtitle or under section 2220E of the Homeland Security Act of 2002, as added by section 5163 of this subtitle.

Subtitle H—Invent Here, Make Here for Homeland Security Act

SEC. 5171. SHORT TITLE.

This subtitle may be cited as the ''Invent Here, Make Here for Homeland Security Act''.

SEC. 5172. PREFERENCE FOR UNITED STATES INDUSTRY.

Section 308 of the Homeland Security Act of 2002 (6 U.S.C. 188) is amended by adding at the end the following:

''(d) PREFERENCE FOR UNITED STATES INDUSTRY.—

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

''(A) COUNTRY OF CONCERN.—The term 'country of concern' means a country that—

''(i) is a covered nation, as that term is defined in section 4872(d) of title 10, United States Code; or

''(ii) the Secretary determines is engaged in conduct that is detrimental to the national security of the United States.

''(B) FUNDING AGREEMENT; NONPROFIT ORGANIZATION; SUBJECT INVENTION.—The terms 'funding agreement', 'nonprofit organization', and 'subject invention' have the meanings given those terms in section 201 of title 35, United States Code.

''(C) MANUFACTURED SUBSTANTIALLY IN THE UNITED STATES.—The term 'manufactured substantially in the United States' means manufactured substantially from all articles, materials, or supplies mined, produced, or manufactured in the United States.

''(D) RELEVANT CONGRESSIONAL COMMITTEES.—The term 'relevant congressional committees' means—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(ii) the Committee on Homeland Security of the House of Representatives.

''(2) PREFERENCE.—Subject to the other provisions of this subsection, no firm or nonprofit organization which receives title to any subject invention developed under a funding agreement entered into with the Department and no assignee of any such firm or nonprofit organization shall grant the exclusive right to use or sell any subject invention unless the products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States.

''(3) WAIVERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in individual cases, the requirement for an agreement described in paragraph (2) may be waived by the Secretary upon a showing by the firm, nonprofit organization, or assignee that reasonable but unsuccessful efforts have been made to grant licenses on

similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

''(B) CONDITIONS ON WAIVERS GRANTED BY DEPARTMENT.—

''(i) BEFORE GRANT OF WAIVER.—Before granting a waiver under subparagraph (A), the Secretary shall—

''(I) consult with the relevant congressional committees regarding the decision of the Secretary to grant the waiver; and

''(II) comply with the procedures developed and implemented pursuant to section 70923(b)(2) of the Build America, Buy America Act (subtitle A of title IX of division G of Public Law 117–58).

''(ii) PROHIBITION ON GRANTING CERTAIN WAIVERS.—The Secretary may not grant a waiver under subparagraph (A) if, as a result of the waiver, products embodying the applicable subject invention, or produced through the use of the applicable subject invention, will be manufactured substantially in a country of concern.''.

Subtitle I—DHS Joint Task Forces Reauthorization

SEC. 5181. SHORT TITLE.

This subtitle may be cited as the ''DHS Joint Task Forces Reauthorization Act of 2022''.

SEC. 5182. SENSE OF THE SENATE.

It is the sense of the Senate that the Department of Homeland Security should consider using the authority under subsection (b) of section 708 of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) to create a Joint Task Force described in such subsection to improve coordination and response to the number of encounters and amount of seizures of illicit narcotics along the southwest border.

SEC. 5183. AMENDING SECTION 708 OF THE HOMELAND SECURITY ACT OF 2002.

Section 708(b) of the Homeland Security Act of 2002 (6 U.S.C. 348(b)) is amended—

(1) by striking paragraph (8) and inserting the following:

''(8) JOINT TASK FORCE STAFF.—

''(A) IN GENERAL.—Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of that Joint Task Force in carrying out the mission and responsibilities of that Joint Task Force.

''(B) REPORT.—The Secretary shall include in the report submitted under paragraph (6)(F)—

''(i) the number of personnel permanently assigned to each Joint Task Force by each component and office; and

''(ii) the number of personnel assigned on a temporary basis to each Joint Task Force by each component and office.'';

(2) in paragraph (9)—

(A) in the heading, by inserting ''STRATEGY AND OF'' after ''ESTABLISHMENT OF'';

(B) by striking subparagraph (A) and inserting the following:

''(A) using leading practices in performance management and lessons learned by other law enforcement task forces and joint operations, establish a strategy for each Joint Task Force that contains—

''(i) the mission of each Joint Task Force and strategic goals and objectives to assist the Joint Task Force in accomplishing that mission; and

''(ii) outcome-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force and measure progress towards the goals and objectives described in clause (i), which include—

''(I) targets for current and future fiscal years; and

''(II) a description of the methodology used to establish those metrics and any limitations with respect to data or information used to assess performance;'';

(C) in subparagraph (B)—

(i) by striking ''enactment of this section'' and insert ''enactment of the DHS Joint Task Forces Reauthorization Act of 2022'';

(ii) by inserting ''strategy and'' after ''Senate the''; and

(iii) by striking the period at the end and inserting ''; and''; and

(D) by striking subparagraph (C) and inserting the following:

''(C) beginning not later than 1 year after the date of enactment of the DHS Joint Task Forces Reauthorization Act of 2022, submit annually to each committee specified in subparagraph (B) a report that—

''(i) contains the evaluation described in subparagraphs (A) and (B); and

''(ii) outlines the progress in implementing outcome-based and other performance metrics referred to in subparagraph (A)(ii).'';

(3) in paragraph (11)(A), by striking the period at the end and inserting the following: '', which shall include—

''(i) the justification, focus, and mission of the Joint Task Force; and

''(ii) a strategy for the conduct of the Joint Task Force, including goals and performance metrics for the Joint Task Force.'';

(4) in paragraph (12)—

(A) in subparagraph (A), by striking ''January 31, 2018, and January 31, 2021, the Inspector General of the Department'' and inserting ''1 year after the date of enactment of the DHS Joint Task Forces Reauthorization Act of 2022, the Comptroller General of the United States''; and

(B) in subparagraph (B), by striking clauses (i) and (ii) and inserting the following:

''(i) an assessment of the structure of each Joint Task Force;

''(ii) an assessment of the effectiveness of oversight over each Joint Task Force;

''(iii) an assessment of the strategy of each Joint Task Force; and

''(iv) an assessment of staffing levels and resources of each Joint Task Force.''; and

(5) in paragraph (13), by striking ''2022'' and inserting ''2024''.

Subtitle J—Other Provisions

CHAPTER 1—DEEPFAKE TASK FORCE

SEC. 5191 SHORT TITLE.

This chapter may be cited as the ''Deepfake Task Force Act''.

SEC. 5192. 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.

CHAPTER 2—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS

SEC. 5194. 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.''; and

(B) by striking the item relating to section 2201 and insert the following:

''Sec. 2201. Definition.''.

(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))''.F

(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''.

CHAPTER 3—POST-DISASTER MENTAL HEALTH RESPONSE ACT

SEC. 5198. POST-DISASTER MENTAL HEALTH RESPONSE.

(a) SHORT TITLE.—This section may be cited as the ''Post-Disaster Mental Health Response Act''.

(b) CRISIS COUNSELING ASSISTANCE AND TRAINING.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by inserting ''and section 416'' after ''section 408''.

TITLE LII—GOVERNMENTAL AFFAIRS

Subtitle A—Safeguarding American Innovation

SEC. 5201. SHORT TITLE.

This title may be cited as the ''Safeguarding American Innovation Act''.

SEC. 5202. 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. 5203. 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. 5204. 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.

Subtitle B—Intragovernmental Cybersecurity Information Sharing Act

SEC. 5211. 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 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 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 periodically 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 appropriate officials on the status of the implementation of the agreements required under subsection (c).

Subtitle C—Improving Government for America's Taxpayers

SEC. 5221. 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.

Subtitle D—Advancing American AI Act

SEC. 5231. SHORT TITLE.

This subtitle may be cited as the ''Advancing American AI Act''.

SEC. 5232. PURPOSES.

The purposes of this subtitle are to—

(1) encourage agency artificial intelligence-related programs and initiatives that enhance the competitiveness of the United States and foster an approach to artificial intelligence that builds on the strengths of the United States in innovation and entrepreneurialism;

(2) enhance the ability of the Federal Government to translate research advances into artificial intelligence applications to modernize systems and assist agency leaders in fulfilling their missions;

(3) promote adoption of modernized business practices and advanced technologies across the Federal Government that align with the values of the United States, including the protection of privacy, civil rights, and civil liberties; and

(4) test and harness applied artificial intelligence to enhance mission effectiveness and business practice efficiency.

SEC. 5233. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Reform of the House of Representatives.

(3) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given the term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(4) ARTIFICIAL INTELLIGENCE SYSTEM.—The term ''artificial intelligence system''—

(A) means any data system, software, application, tool, or utility that operates in whole or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence, whether—

(i) the data system, software, application, tool, or utility is established primarily for the purpose of researching, developing, or implementing artificial intelligence technology; or

(ii) artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology system; and

(B) does not include any common commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.

(C)

(5) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(6) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

SEC. 5234. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL INTELLIGENCE IN GOVERNMENT.

(a) GUIDANCE.—The Director shall, when developing the guidance required under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260), consider—

(1) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled ''Key Considerations for the Responsible Development and Fielding of AI'', as updated in April 2021;

(2) the principles articulated in Executive Order 13960 (85 Fed. Reg. 78939; relating to

promoting the use of trustworthy artificial intelligence in Government); and

(3) the input of—

(A) the Privacy and Civil Liberties Oversight Board;

(B) relevant interagency councils, such as the Federal Privacy Council, the Chief Information Officers Council, and the Chief Data Officers Council;

(C) other governmental and nongovernmental privacy, civil rights, and civil liberties experts; and

(D) any other individual or entity the Director determines to be appropriate.

(b) DEPARTMENT POLICIES AND PROCESSES FOR PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-ENABLED SYSTEMS.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security, with the participation of the Chief Procurement Officer, the Chief Information Officer, the Chief Privacy Officer, and the Officer for Civil Rights and Civil Liberties of the Department and any other person determined to be relevant by the Secretary of Homeland Security, shall issue policies and procedures for the Department related to—

(A) the acquisition and use of artificial intelligence; and

(B) considerations for the risks and impacts related to artificial intelligence-enabled systems, including associated data of machine learning systems, to ensure that full consideration is given to—

(i) the privacy, civil rights, and civil liberties impacts of artificial intelligence-enabled systems; and

(ii) security against misuse, degradation, or rending inoperable of artificial intelligence-enabled systems; and

(2) the Chief Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department shall report to Congress on any additional staffing or funding resources that may be required to carry out the requirements of this subsection.

(c) INSPECTOR GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department shall identify any training and investments needed to enable employees of the Office of the Inspector General to continually advance their understanding of—

(1) artificial intelligence systems;

(2) best practices for governance, oversight, and audits of the use of artificial intelligence systems; and

(3) how the Office of the Inspector General is using artificial intelligence to enhance audit and investigative capabilities, including actions to—

(A) ensure the integrity of audit and investigative results; and

(B) guard against bias in the selection and conduct of audits and investigations.

(d) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTECTION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with a working group consisting of members selected by the Director from appropriate interagency councils, shall develop an initial means by which to—

(A) ensure that contracts for the acquisition of an artificial intelligence system or service—

(i) align with the guidance issued to the head of each agency under section 104(a) of the AI in Government Act of 2020 (title I of division U of Public Law 116–260);

(ii) address protection of privacy, civil rights, and civil liberties;

(iii) address the ownership and security of data and other information created, used, processed, stored, maintained, disseminated, disclosed, or disposed of by a contractor or subcontractor on behalf of the Federal Government; and

(iv) include considerations for securing the training data, algorithms, and other components of any artificial intelligence system against misuse, unauthorized alteration, degradation, or rendering inoperable; and

(B) address any other issue or concern determined to be relevant by the Director to ensure appropriate use and protection of privacy and Government data and other information.

(2) CONSULTATION.—In developing the considerations under paragraph (1)(A)(iv), the Director shall consult with the Secretary of Homeland Security, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence.

(3) REVIEW.—The Director—

(A) should continuously update the means developed under paragraph (1); and

(B) not later than 2 years after the date of enactment of this Act and not less frequently than every 2 years thereafter, shall update the means developed under paragraph (1).

(4) BRIEFING.—The Director shall brief the appropriate congressional committees—

(A) not later than 90 days after the date of enactment of this Act and thereafter on a quarterly basis until the Director first implements the means developed under paragraph (1); and

(B) annually thereafter on the implementation of this subsection.

(5) SUNSET.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 5235. AGENCY INVENTORIES AND ARTIFICIAL INTELLIGENCE USE CASES.

(a) INVENTORY.—Not later than 60 days after the date of enactment of this Act, and continuously thereafter for a period of 5 years, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall require the head of each agency to—

(1) prepare and maintain an inventory of the artificial intelligence use cases of the agency, including current and planned uses;

(2) share agency inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information; and

(3) make agency inventories available to the public, in a manner determined by the Director, and to the extent practicable and in accordance with applicable law and policy, including those concerning the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) CENTRAL INVENTORY.—The Director is encouraged to designate a host entity and ensure the creation and maintenance of an online public directory to—

(1) make agency artificial intelligence use case information available to the public and those wishing to do business with the Federal Government; and

(2) identify common use cases across agencies.

(c) SHARING.—The sharing of agency inventories described in subsection (a)(2) may be coordinated through the Chief Information Officers Council, the Chief Data Officers Council, the Chief Financial Officers Council, the Chief Acquisition Officers Council, or other interagency bodies to improve interagency coordination and information sharing for common use cases.

SEC. 5236. RAPID PILOT, DEPLOYMENT AND SCALE OF APPLIED ARTIFICIAL INTELLIGENCE CAPABILITIES TO DEMONSTRATE MODERNIZATION ACTIVITIES RELATED TO USE CASES.

(a) IDENTIFICATION OF USE CASES.—Not later than 270 days after the date of enactment of this Act, the Director, in consultation with the Chief Information Officers Council, the Chief Data Officers Council, and other interagency bodies as determined to be appropriate by the Director, shall identify 4 new use cases for the application of artificial intelligence-enabled systems to support interagency or intra-agency modernization initiatives that require linking multiple siloed internal and external data sources, consistent with applicable laws and policies, including those relating to the protection of privacy and of sensitive law enforcement, national security, and other protected information.

(b) PILOT PROGRAM.—

(1) PURPOSES.—The purposes of the pilot program under this subsection include—

(A) to enable agencies to operate across organizational boundaries, coordinating between existing established programs and silos to improve delivery of the agency mission; and

(B) to demonstrate the circumstances under which artificial intelligence can be used to modernize or assist in modernizing legacy agency systems.

(2) DEPLOYMENT AND PILOT.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall ensure the initiation of the piloting of the 4 new artificial intelligence use case applications identified under subsection (a), leveraging commercially available technologies and systems to demonstrate scalable artificial intelligence-enabled capabilities to support the use cases identified under subsection (a).

(3) RISK EVALUATION AND MITIGATION PLAN.—In carrying out paragraph (2), the Director shall require the heads of agencies to—

(A) evaluate risks in utilizing artificial intelligence systems; and

(B) develop a risk mitigation plan to address those risks, including consideration of—

(i) the artificial intelligence system not performing as expected;

(ii) the lack of sufficient or quality training data; and

(iii) the vulnerability of a utilized artificial intelligence system to unauthorized manipulation or misuse.

(4) PRIORITIZATION.—In carrying out paragraph (2), the Director shall prioritize modernization projects that—

(A) would benefit from commercially available privacy-preserving techniques, such as use of differential privacy, federated learning, and secure multiparty computing; and

(B) otherwise take into account considerations of civil rights and civil liberties.

(5) USE CASE MODERNIZATION APPLICATION AREAS.—Use case modernization application areas described in paragraph (2) shall include not less than 1 from each of the following categories:

(A) Applied artificial intelligence to drive agency productivity efficiencies in predictive supply chain and logistics, such as—

(i) predictive food demand and optimized supply;

(ii) predictive medical supplies and equipment demand and optimized supply; or

(iii) predictive logistics to accelerate disaster preparedness, response, and recovery.

(B) Applied artificial intelligence to accelerate agency investment return and address mission-oriented challenges, such as—

(i) applied artificial intelligence portfolio management for agencies;

(ii) workforce development and upskilling;

(iii) redundant and laborious analyses;

(iv) determining compliance with Government requirements, such as with grants management; or

(v) outcomes measurement to measure economic and social benefits.

(6) REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Director, in coordination with the heads of relevant agencies and other officials as the Director determines to be appropriate, shall establish an artificial intelligence capability within each of the 4 use case pilots under this subsection that—

(A) solves data access and usability issues with automated technology and eliminates or minimizes the need for manual data cleansing and harmonization efforts;

(B) continuously and automatically ingests data and updates domain models in near real-time to help identify new patterns and predict trends, to the extent possible, to help agency personnel to make better decisions and take faster actions;

(C) organizes data for meaningful data visualization and analysis so the Government has predictive transparency for situational awareness to improve use case outcomes;

(D) is rapidly configurable to support multiple applications and automatically adapts to dynamic conditions and evolving use case requirements, to the extent possible

(E) enables knowledge transfer and collaboration across agencies; and

(F) preserves intellectual property rights to the data and output for benefit of the Federal Government and agencies.

(c) BRIEFING.—Not earlier than 270 days but not later than 1 year after the date of enactment of this Act, and annually thereafter for 4 years, the Director shall brief the appropriate congressional committees on the activities carried out under this section and results of those activities.

(d) SUNSET.—The section shall cease to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 5237. ENABLING ENTREPRENEURS AND AGENCY MISSIONS.

(a) INNOVATIVE COMMERCIAL ITEMS.—Section 880 of the National Defense Authorization Act for Fiscal Year 2017 (41 U.S.C. 3301 note) is amended—

(1) in subsection (c), by striking ''$10,000,000'' and inserting ''$25,000,000'';

(2) by amending subsection (f) to read as follows:

''(f) DEFINITIONS.—In this section—

''(1) the term 'commercial product'—

''(A) has the meaning given the term 'commercial item' in section 2.101 of the Federal Acquisition Regulation; and

''(B) includes a commercial product or a commercial service, as defined in sections 103 and 103a, respectively, of title 41, United States Code; and

''(2) the term 'innovative' means—

''(A) any new technology, process, or method, including research and development; or

''(B) any new application of an existing technology, process, or method.''; and

(3) in subsection (g), by striking ''2022'' and insert ''2027''.

(b) DHS OTHER TRANSACTION AUTHORITY.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

(B) by amending paragraph (2) to read as follows:

''(2) PROTOTYPE PROJECTS.—The Secretary—

''(A) may, under the authority of paragraph (1), carry out prototype projects under section 4022 of title 10, United States Code; and

''(B) in applying the authorities of such section 4022, the Secretary shall perform the functions of the Secretary of Defense as prescribed in such section.'';

(2) in subsection (c)(1), by striking ''September 30, 2017'' and inserting ''September 30, 2024''; and

(3) in subsection (d), by striking ''section 845(e)'' and all that follows and inserting ''section 4022(e) of title 10, United States Code.''.

(c) COMMERCIAL OFF THE SHELF SUPPLY CHAIN RISK MANAGEMENT TOOLS.—The General Services Administration is encouraged to pilot commercial off the shelf supply chain risk management tools to improve the ability of the Federal Government to characterize, monitor, predict, and respond to specific supply chain threats and vulnerabilities that could inhibit future Federal acquisition operations.

Subtitle E—Strategic EV Management

SEC. 5241. SHORT TITLE.

This subtitle may be cited as the ''Strategic EV Management Act of 2022''.

SEC. 5242. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, 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; and

(B) the Committee on Oversight and Reform of the House of Representatives.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

SEC. 5243. STRATEGIC GUIDANCE.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Director, shall coordinate with the heads of agencies to develop a comprehensive, strategic plan for Federal electric vehicle fleet battery management.

(b) CONTENTS.—The strategic plan required under subsection (a) shall—

(1) maximize both cost and environmental efficiencies; and

(2) incorporate—

(A) guidelines for optimal charging practices that will maximize battery longevity and prevent premature degradation;

(B) guidelines for reusing and recycling the batteries of retired vehicles; and

(C) any other considerations determined appropriate by the Administrator and Director.

(c) MODIFICATION.—The Administrator, in consultation with the Director, may periodically update the strategic plan required under subsection (a) as the Administrator and Director may determine necessary based on new information relating to electric vehicle batteries that becomes available.

(d) CONSULTATION.—In developing the strategic plan required under subsection (a) the Administrator, in consultation with the Director, may consult with appropriate entities, including—

(1) the Secretary of Energy;

(2) the Administrator of the Environmental Protection Agency;

(3) the Chair of the Council on Environmental Quality;

(4) scientists who are studying electric vehicle batteries and reuse and recycling solutions;

(5) laboratories, companies, colleges, universities, or start-ups engaged in battery use, reuse, and recycling research;

(6) industries interested in electric vehicle battery reuse and recycling;

(7) electric vehicle equipment manufacturers and recyclers; and

(8) any other relevant entities, as determined by the Administrator and Director.

(e) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator and the Director shall submit to the appropriate congressional committees a report that describes the strategic plan required under subsection (a).

(2) BRIEFING.—Not later than 4 years after the date of enactment of this Act, the Administrator and the Director shall brief the appropriate congressional committees on the implementation of the strategic plan required under subsection (a) across agencies.

SEC. 5244. STUDY OF FEDERAL FLEET VEHICLES.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on how the costs and benefits of operating and maintaining electric vehicles in the Federal fleet compare to the costs and benefits of operating and maintaining internal combustion engine vehicles. 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.

Subtitle F—Congressionally Mandated Reports

SEC. 5251. SHORT TITLE.

This subtitle may be cited as the ''Access to Congressionally Mandated Reports Act''.

SEC. 5252. DEFINITIONS.

In this subtitle:

(1) CONGRESSIONAL LEADERSHIP.—The term ''congressional leadership'' means the Speaker, majority leader, and minority leader of the House of Representatives and the majority leader and minority leader of the Senate.

(2) CONGRESSIONALLY MANDATED REPORT.—

(A) IN GENERAL.—The term ''congressionally mandated report'' means a report of a Federal agency that is required by statute to be submitted to either House of Congress or any committee of Congress or subcommittee thereof.

(B) EXCLUSIONS.—

(i) PATRIOTIC AND NATIONAL ORGANIZATIONS.—The term ''congressionally mandated report'' does not include a report required under part B of subtitle II of title 36, United States Code.

(ii) INSPECTORS GENERAL.—The term ''congressionally mandated report'' does not include a report by an office of an inspector general.

(iii) NATIONAL SECURITY EXCEPTION.—The term ''congressionally mandated report'' does not include a report that is required to be submitted to one or more of the following committees:

(I) The Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Relations of the Senate.

(II) The Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Appropriations, or the Committee on Foreign Affairs of the House of Representatives.

(3) DIRECTOR.—The term ''Director'' means the Director of the Government Publishing Office.

(4) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''federal agency'' under section 102 of title 40, United States Code, but does not include the Government Accountability Office or an element of the intelligence community.

(5) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(6) REPORTS ONLINE PORTAL.—The term ''reports online portal'' means the online portal established under section 5253(a).

SEC. 5253. ESTABLISHMENT OF ONLINE PORTAL FOR CONGRESSIONALLY MANDATED REPORTS.

(a) REQUIREMENT TO ESTABLISH ONLINE PORTAL.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall establish and maintain an online portal accessible by the public that allows the public to obtain electronic copies of congressionally mandated reports in one place.

(2) EXISTING FUNCTIONALITY.—To the extent possible, the Director shall meet the requirements under paragraph (1) by using existing online portals and functionality under the authority of the Director in consultation with the Director of National Intelligence.

(3) CONSULTATION.—In carrying out this subtitle, the Director shall consult with congressional leadership, the Clerk of the House of Representatives, the Secretary of the Senate, and the Librarian of Congress regarding the requirements for and maintenance of congressionally mandated reports on the reports online portal.

(b) CONTENT AND FUNCTION.—The Director shall ensure that the reports online portal includes the following:

(1) Subject to subsection (c), with respect to each congressionally mandated report, each of the following:

(A) A citation to the statute requiring the report.

(B) An electronic copy of the report, including any transmittal letter associated with the report, that—

(i) is based on an underlying open data standard that is maintained by a standards organization;

(ii) allows the full text of the report to be searchable; and

(iii) is not encumbered by any restrictions that would impede the reuse or searchability of the report.

(C) The ability to retrieve a report, to the extent practicable, through searches based on each, and any combination, of the following:

(i) The title of the report.

(ii) The reporting Federal agency.

(iii) The date of publication.

(iv) Each congressional committee or subcommittee receiving the report, if applicable.

(v) The statute requiring the report.

(vi) Subject tags.

(vii) A unique alphanumeric identifier for the report that is consistent across report editions.

(viii) The serial number, Superintendent of Documents number, or other identification number for the report, if applicable.

(ix) Key words.

(x) Full text search.

(xi) Any other relevant information specified by the Director.

(D) The date on which the report was required to be submitted, and on which the report was submitted, to the reports online portal.

(E) To the extent practicable, a permanent means of accessing the report electronically.

(2) A means for bulk download of all congressionally mandated reports.

(3) A means for downloading individual reports as the result of a search.

(4) An electronic means for the head of each Federal agency to submit to the reports online portal each congressionally mandated report of the agency, as required by sections 5254 and 5256.

(5) In tabular form, a list of all congressionally mandated reports that can be searched, sorted, and downloaded by—

(A) reports submitted within the required time;

(B) reports submitted after the date on which such reports were required to be submitted; and

(C) to the extent practicable, reports not submitted.

(c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

(1) REPORTS NOT SUBMITTED.—If a Federal agency does not submit a congressionally mandated report to the Director, the Director shall to the extent practicable—

(A) include on the reports online portal—

(i) the information required under clauses (i), (ii), (iv), and (v) of subsection (b)(1)(C); and

(ii) the date on which the report was required to be submitted; and

(B) include the congressionally mandated report on the list described in subsection (b)(5)(C).

(2) REPORTS NOT IN OPEN FORMAT.—If a Federal agency submits a congressionally mandated report that does not meet the criteria described in subsection (b)(1)(B), the Director shall still include the congressionally mandated report on the reports online portal.

(d) DEADLINE.—The Director shall ensure that information required to be published on the reports online portal under this subtitle with respect to a congressionally mandated report or information required under subsection (c) of this section is published—

(1) not later than 30 days after the information is received from the Federal agency involved; or

(2) in the case of information required under subsection (c), not later than 30 days after the deadline under this subtitle for the Federal agency involved to submit information with respect to the congressionally mandated report involved.

(e) EXCEPTION FOR CERTAIN REPORTS.—

(1) EXCEPTION DESCRIBED.—A congressionally mandated report which is required by statute to be submitted to a committee of Congress or a subcommittee thereof, including any transmittal letter associated with the report, shall not be submitted to or published on the reports online portal if the chair of a committee or subcommittee to which the report is submitted notifies the Director in writing that the report is to be withheld from submission and publication under this subtitle.

(2) NOTICE ON PORTAL.—If a report is withheld from submission to or publication on the reports online portal under paragraph (1), the Director shall post on the portal—

(A) a statement that the report is withheld at the request of a committee or subcommittee involved; and

(B) the written notification provided by the chair of the committee or subcommittee specified in paragraph (1).

(f) FREE ACCESS.—The Director may not charge a fee, require registration, or impose any other limitation in exchange for access to the reports online portal.

(g) UPGRADE CAPABILITY.—The reports online portal shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

(h) SUBMISSION TO CONGRESS.—The submission of a congressionally mandated report to the reports online portal pursuant to this subtitle shall not be construed to satisfy any requirement to submit the congressionally mandated report to Congress, or a committee or subcommittee thereof.

SEC. 5254. FEDERAL AGENCY RESPONSIBILITIES.

(a) SUBMISSION OF ELECTRONIC COPIES OF REPORTS.—Not earlier than 30 days or later than 60 days after the date on which a congressionally mandated report is submitted to either House of Congress or to any committee of Congress or subcommittee thereof, the head of the Federal agency submitting the congressionally mandated report shall submit to the Director the information required under subparagraphs (A) through (D) of section 5253(b)(1) with respect to the congressionally mandated report. Notwithstanding section 5256, nothing in this subtitle shall relieve a Federal agency of any other requirement to publish the congressionally mandated report on the online portal of the Federal agency or otherwise submit the congressionally mandated report to Congress or specific committees of Congress, or subcommittees thereof.

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Director, shall issue guidance to agencies on the implementation of this subtitle.

(c) STRUCTURE OF SUBMITTED REPORT DATA.—The head of each Federal agency shall ensure that each congressionally mandated report submitted to the Director complies with the guidance on the implementation of this subtitle issued by the Director of the Office of Management and Budget under subsection (b).

(d) POINT OF CONTACT.—The head of each Federal agency shall designate a point of contact for congressionally mandated reports.

(e) REQUIREMENT FOR SUBMISSION.—The Director shall not publish any report through the reports online portal that is received from anyone other than the head of the applicable Federal agency, or an officer or employee of the Federal agency specifically designated by the head of the Federal agency.

SEC. 5255. CHANGING OR REMOVING REPORTS.

(a) LIMITATION ON AUTHORITY TO CHANGE OR REMOVE REPORTS.—Except as provided in subsection (b), the head of the Federal agency concerned may change or remove a congressionally mandated report submitted to be published on the reports online portal only if—

(1) the head of the Federal agency consults with each committee of Congress or subcommittee thereof to which the report is required to be submitted (or, in the case of a report which is not required to be submitted to a particular committee of Congress or subcommittee thereof, to each committee

with jurisdiction over the agency, as determined by the head of the agency in consultation with the Speaker of the House of Representatives and the President pro tempore of the Senate) prior to changing or removing the report; and

(2) a joint resolution is enacted to authorize the change in or removal of the report.

(b) EXCEPTIONS.—Notwithstanding subsection (a), the head of the Federal agency concerned—

(1) may make technical changes to a report submitted to or published on the reports online portal;

(2) may remove a report from the reports online portal if the report was submitted to or published on the reports online portal in error; and

(3) may withhold information, records, or reports from publication on the reports online portal in accordance with section 5256.

SEC. 5256. WITHHOLDING OF INFORMATION.

(a) IN GENERAL.—Nothing in this subtitle shall be construed to—

(1) require the disclosure of information, records, or reports that are exempt from public disclosure under section 552 of title 5, United States Code, or that are required to be withheld under section 552a of title 5, United States Code; or

(2) impose any affirmative duty on the Director to review congressionally mandated reports submitted for publication to the reports online portal for the purpose of identifying and redacting such information or records.

(b) WITHHOLDING OF INFORMATION.—

(1) IN GENERAL.—Consistent with subsection (a)(1), the head of a Federal agency may withhold from the Director, and from publication on the reports online portal, any information, records, or reports that are exempt from public disclosure under section 552 of title 5, United States Code, or that are required to be withheld under section 552a of title 5, United States Code.

(2) NATIONAL SECURITY.—Nothing in this subtitle shall be construed to require the publication, on the reports online portal or otherwise, of any report containing information that is classified, or the public release of which could have a harmful effect on national security.

(3) LAW ENFORCEMENT SENSITIVE.—Nothing in this subtitle shall be construed to require the publication on the reports online portal or otherwise of any congressionally mandated report—

(A) containing information that is law enforcement sensitive; or

(B) that describe information security policies, procedures, or activities of the executive branch.

(c) RESPONSIBILITY FOR WITHHOLDING OF INFORMATION.—In publishing congressionally mandated reports to the reports online portal in accordance with this subtitle, the head of each Federal agency shall be responsible for withholding information pursuant to the requirements of this section.

SEC. 5257. IMPLEMENTATION.

(a) REPORTS SUBMITTED TO CONGRESS.—

(1) IN GENERAL.—This subtitle shall apply with respect to any congressionally mandated report which—

(A) is required by statute to be submitted to the House of Representatives, or the Speaker thereof, or the Senate, or the President or President Pro Tempore thereof, at any time on or after the date of the enactment of this Act; or

(B) is included by the Clerk of the House of Representatives or the Secretary of the Senate (as the case may be) on the list of reports received by the House of Representatives or the Senate (as the case may be) at any time on or after the date of the enactment of this Act.

(2) TRANSITION RULE FOR PREVIOUSLY SUBMITTED REPORTS.—To the extent practicable, the Director shall ensure that any congressionally mandated report described in paragraph (1) which was required to be submitted to Congress by a statute enacted before the date of the enactment of this Act is published on the reports online portal under this subtitle.

(b) REPORTS SUBMITTED TO COMMITTEES.—In the case of congressionally mandated reports which are required by statute to be submitted to a committee of Congress or a subcommittee thereof, this subtitle shall apply with respect to—

(1) any such report which is first required to be submitted by a statute which is enacted on or after the date of the enactment of this Act; and

(2) to the maximum extent practical, any congressionally mandated report which was required to be submitted by a statute enacted before the date of enactment of this Act unless—

(A) the chair of the committee, or subcommittee thereof, to which the report was required to be submitted notifies the Director in writing that the report is to be withheld from publication; and

(B) the Director publishes the notification on the reports online portal.

(c) ACCESS FOR CONGRESSIONAL LEADERSHIP.—Notwithstanding any provision of this subtitle or any other provision of law, congressional leadership shall have access to any congressionally mandated report.

SEC. 5258. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this subtitle, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this subtitle, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 6439. 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 appropriate place, insert the following:

SEC. ___. WAIVER OF NAVIGATION AND VESSEL-INSPECTION LAWS.

Section 501(b) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting ''in accordance with the requirements of paragraph (3)'' after ''following a determination'';

(2) in paragraph (3)(A), by inserting ''prior to the issuance of a waiver'' before the semicolon at the end; and

(3) by adding at the end the following:

''(5) PROSPECTIVE APPLICATION.—No waiver of the vessel navigation laws may be issued for a vessel if, prior to the waiver request, such vessel was laden with merchandise covered by the requested waiver.''.

SA 6440. 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 F of title V, add the following:

SEC. 575. FOOD INSECURITY AMONG MILITARY FAMILIES: DATA COLLECTION; TRAINING; REPORT.

(a) DATA COLLECTION.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness, acting through the Deputy Assistant Secretary for Military Community and Family Policy, in coordination with the Under Secretary for Food, Nutrition, and Consumer Services of the Department of Agriculture, shall—

(1) develop a survey, in collaboration with the Department of Agriculture, to determine how many members of the Armed Forces serving on active duty, and dependents of such members, are food insecure;

(2) issue the survey to such members and dependents;

(3) collect data from the survey on the use, by such members and dependents, of Federal nutrition assistance programs, including—

(A) the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(B) the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(C) the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(D) the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

(4) collect data related to the number of such members and dependents who—

(A) are eligible for the basic needs allowance under section 402b of title 37, United States Code; and

(B) receive such basic needs allowance;

(5) develop and carry out a plan to train and designate an individual who will assist members at military installations on how and where to refer such members and their dependents for participation in Federal nutrition assistance programs described in paragraph (3); and

(6) coordinate efforts of the Department of Defense to address food insecurity and nutrition.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Under Secretary of Defense for Personnel and Readiness shall submit to the appropriate congressional committees a report including the following:

(A) The number of members of the Armed Forces serving on active duty and their dependents who are food insecure.

(B) The number of such members and their dependents who use the Federal nutrition assistance programs described in subsection (a)(3).

(C) The number of such members and their dependents described in subsection (a)(4).

(D) The status of implementation of the plan under subsection (a)(5).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the congressional defense committees;
(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and
(C) the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives.

SA 6441. 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 E of title XII, add the following:

SEC. 1262. REPORT ON DEPLOYMENT OF UNMANNED AERIAL VEHICLES AND PROHIBITED MUNITIONS BY AZERBAIJAN AGAINST NAGORNO KARABAKH.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to Congress a report on the following:

(1) United States parts and technology discovered in Turkish Bayraktar unmanned aerial vehicles deployed by Azerbaijan against Nagorno Karabakh between September 27, 2020, and November 9, 2020, and during the September 2022 attacks, including an assessment of any potential violations of United States arms export laws, sanctions policies, or other provisions of United States law related to the discovery of such parts and technology.

(2) Azerbaijan's use of white phosphorous, cluster bombs, and other prohibited munitions deployed by Azerbaijan against Nagorno Karabakh between September 27, 2020, and November 9, 2020, including an assessment of any potential violations of United States or international law related to the use of such munitions.

(3) Turkey's and Azerbaijan's recruitment of foreign terrorist fighters to participate in Azerbaijan's offensive military operations against Nagorno Karabakh between September 27, 2020, and November 9, 2020, including an assessment of any related potential violations of United States law, the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, or other international or multilateral treaties.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CARPER. Mr. President, I have nine requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, September 29, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Thursday, September 29, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, September 29, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SUBCOMMITTEE ON CHEMICAL SAFETY, WASTE MANAGEMENT

ENVIRONMENTAL JUSTICE, AND REGULATORY OVERSIGHT

SUBCOMMITTEE ON FISHERIES, WATER, AND WILDLIFE

The Committee on Environment and Public Works and the Subcommittee on Chemical Safety, Waste Management, Environmental Justice, and Regulatory Oversight and the Subcommittee on Fisheries, Water, and Wildlife are authorized to meet during the session of the Senate on Thursday, September 29, 2022, at 10 a.m., to conduct joint hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Thursday, September 29, 2022, at 12 p.m., to conduct a business meeting.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, September 29, 2022, at 2 p.m., to conduct a closed briefing.

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 Thursday, September 29, 2022, at 10:30 a.m., to conduct a hearing on nominations.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, September 29, 2022, at 9 a.m., to conduct an executive business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, September 29, 2022, at 10 a.m., to conduct hearing.

PRIVILEGES OF THE FLOOR

Mr. PAUL. Mr. President, I ask unanimous consent that the following interns in my office be granted floor privileges until December 16, 2022: Austin Gatesman, E.J. Monohan, Heather Maounis, Johnathon McCartney, Nika Gogishvili-Matthews, and Spencer Woodall.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Republican Leader, pursuant to the provisions of Public Law 117–81, appoints the following individuals to serve as members of the Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group: the Honorable DEB FISCHER of Nebraska; the Honorable SHELLEY MOORE CAPITO of West Virginia; and the Honorable MIKE ROUNDS of South Dakota.

MEASURE READ THE FIRST TIME—H.R. 2758

Mr. SCHUMER. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2758) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

Mr. SCHUMER. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will receive its second reading on the next legislative day.

APPOINTMENTS AUTHORITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by the order of the Senate until 3 p.m., Monday, November 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that Senators CARDIN, DUCKWORTH, KAINE, SCHATZ, SCHUMER, VAN HOLLEN, and WARNER be authorized to sign duly enrolled bills or joint resolutions through November 14, 2022.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCLOSING FOREIGN INFLUENCE IN LOBBYING ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate