AMENDMENTS SUBMITTED AND PROPOSED

SA 6442. Mr. REED proposed an amendment to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 6443. Mr. REED (for Ms. CANTWELL (for herself and Mr. WICKER)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6444. Mr. REED (for Ms. CANTWELL (for herself and Mr. WICKER)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6445. Mr. REED (for Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6446. Mr. REED (for Mr. CORNYN (for himself and Mr. WHITEHOUSE)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6447. Mr. REED (for Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6448. Mr. REED (for Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6449. Mr. REED (for Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6450. Mr. REED (for Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6451. Mr. REED (for Mr. SCOTT of Florida) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6452. Mr. REED (for Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6453. Mr. REED (for Mr. GRAHAM (for himself and Mr. MENENDEZ)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6454. Mr. REED (for Mr. MANCHIN (for himself, Mr. BARRASSO, and Mr. RISCH)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6455. Mr. REED (for Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6456. Mr. REED (for Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6457. Mr. REED (for Mr. OSSOFF (for himself and Mr. SCOTT of South Carolina)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6458. Mr. REED (for Mr. VAN HOLLEN (for himself and Mr. TILLIS)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6459. Mr. REED (for Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6460. Mr. REED (for Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6461. Mr. REED (for Mrs. SHAHEEN (for herself, Mr. MORAN, and Ms. HASSAN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6462. Mr. REED (for Mr. SCHUMER (for himself and Mr. CORNYN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6463. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6464. Mr. REED (for Mr. PETERS (for himself and Mr. PORTMAN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6465. Mr. REED (for Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6466. Mr. REED (for Ms. CANTWELL (for herself and Mr. WICKER)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6467. Mr. REED (for Mr. CORNYN (for himself and Mr. KING)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6468. Mr. REED (for Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6469. Mr. REED (for Mr. CORNYN (for himself and Mr. KING)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6470. Mr. REED (for Mr. CORNYN (for himself and Mr. WHITEHOUSE)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6471. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6472. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6473. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6474. Mr. REED (for Mr. GRASSLEY (for himself, Ms. KLOBUCHAR, Mr. LEE, Mr. LEAHY, and Mr. DURBIN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6475. Mr. REED (for Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 6476. Mr. REED (for Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 6442. Mr. REED proposed an amendment to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 6443. Mr. REED (for Ms. CANTWELL (for herself and Mr. WICKER)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of

the Department of Energy, to prescribe 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'' has the meaning given the term ''incident'' in section 2209(a) of the Homeland Security Act of 2002 (6 U.S.C. 659(a)).

(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) 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, mitigating, responding to, and recovering from 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.—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.

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) 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 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 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 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 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 and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security 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. 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. 5257. 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. 5258. 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. 5259. 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. 5260. 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. 5261. 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. 5262. 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. 5263. 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. 5264. 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. 5265. 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. 5266. 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 3201(e) of title 10, the Commandant may enter into such contracts and cooperative agreements on a sole source basis pursuant to section 3204(a) 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. 5267. 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. 5268. 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. 5269. 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. 5270. 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

''Not later than 1 year after the date of the enactment of this section, and every February 1 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 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. AUTHORIZATION RELATING TO CERTAIN INTELLIGENCE AND COUNTER INTELLIGENCE ACTIVITIES OF THE COAST GUARD.

(a) AUTHORIZATION.—Consistent with the policies, procedures, and coordination required pursuant to section 811 of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381) and section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382), the Commandant may expend amounts made available for the intelligence and counterintelligence activities of the Coast Guard to conduct such an activity without regard to any other provision of law or regulation relating to the expenditure of Government funds, if the object of the activity is of a confidential, extraordinary, or emergency nature.

(b) QUARTERLY REPORT.—At the beginning of each fiscal quarter, the Commandant shall submit to the appropriate committees of Congress a report that includes, for each individual expenditure during the preceding fiscal quarter under subsection (a), the following:

(1) A detailed description of the purpose of such expenditure.

(2) The amount of such expenditure.

(3) An identification of the approving authority for such expenditure.

(4) A justification as to why other authorities available to the Coast Guard could not be used for such expenditure.

(5) Any other matter the Commandant considers appropriate.

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

(1) the Committee on Commerce, Science, and Transportation and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Transportation and Infrastructure and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) SUNSET.—This section shall cease to have effect on the date that is 3 years after the date of the enactment of this Act.

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 and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security 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 and the Committee on the Judiciary of the Senate and the Committee on Transportation and Infrastructure and the Committee on the Judiciary 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 and the Committee on the Judiciary of the Senate and the Committee on Transportation and Infrastructure and the Committee on the Judiciary 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 CAPABILITY.

(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 capability 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 capability under subsection (a), the Secretary shall prioritize enforcement areas experiencing the highest levels of enforcement activity.

(c) REQUIREMENTS.—The capability 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 capability established under subsection (a); and

(3) establish a cost-sharing agreement for the long-term operation and maintenance of the capability and the assets that provide data to the capability.

(e) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary 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 Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report on the establishment of the capability under this section.

(f) 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. 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. 5296. 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 and other 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 and other 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. 5297. 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 along the west coast of the United States.

(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 Academies of Science, Engineering, and Medicine 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 types of data needed to properly site renewable energy sites on the West Coast with regard to assessing and mitigating conflicts;

(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) review the current decision-making process for offshore wind in covered waters and outline a comprehensive approach to include all impacted coastal communities, particularly Tribal governments and fisheries communities, in the decision-making process for offshore wind in covered waters.

(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 and the Committee on Energy and Natural Resources of the Senate and the Committee on Transportation and Infrastructure, the Committee on Natural Resources, and the Committee on Energy and Commerce of the House of Representatives, including the review and outline 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.—Clause (i) of section 4(b)(1)(B) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(1)(B)) is amended to read as follows:

''(i) for the fiscal year that includes November 15, 2021, the product obtained by multiplying—

''(I) $12,786,434; and

''(II) 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.—Clause (i) of section 4(a)(1)(B) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)(B)) is amended to read as follows:

''(i) for the fiscal year that includes November 15, 2021, the product obtained by multiplying—

''(I) $12,786,434; and

''(II) 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 and the Committee on Finance of the Senate and the Committee on Natural Resources and the Committee on Financial Services 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 consultation 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) AUTHORIZATION.—There are authorized to be appropriated such sums as necessary to carry out this section.

''(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. 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. 5405. 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 the local or regional cost of food.

(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) REVIEW COMMITTEE.—

(1) ESTABLISHMENT.—The Commandant shall establish a review committee to conduct a comprehensive analysis of the Coast Guard healthcare system (referred to in this section as the ''Review Committee'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Review 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, or behavioral 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 Review Committee shall be the Director of the Health, Safety, and Work Life Directorate of the Coast Guard.

(4) STAFF.—The Review Committee shall be staffed by employees of the Coast Guard.

(5) REPORT TO COMMANDANT.—Not later than 1 year after the Review Committee is established, the Review 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 Military 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 Review Committee considers appropriate.

(6) TERMINATION.—The Review Committee shall terminate on the date that is 30 days after the date on which the Review Committee submits the report required by paragraph (5).

(7) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Review Committee.

(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 Review 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 Review 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 needs for perinatal mental health care and counseling services for miscarriage, child loss, and postpartum depression.

(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; and

(B) behavioral health care that is covered under the TRICARE program (as defined in section 1072 of title 10, United States Code).

(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 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.

(4) The effectiveness of the maritime security strategy of the Department of Homeland Security.

(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 and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security 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) 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) LIMITED ACCESS TO VIDEO AND AUDIO RECORDS.—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.

''(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 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 (b) 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.

''(b) REPORTING PROCEDURES.—

''(1) TIMING OF REPORTS BY VESSEL OWNERS, MASTERS, MANAGING OPERATORS, OR EMPLOYERS.—A report required under subsection (a) 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) 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.

''(c) 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.

''(d) COMPANY AFTER-ACTION SUMMARY.—A vessel owner, master, managing operator, or employer of a seafarer that makes a report under subsection (a) 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 (a).

''(e) 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.

''(f) CIVIL PENALTY.—A vessel owner, master, managing operator, or employer of a seafarer that fails to comply with subsection (e) is liable to the United States Government for a civil penalty of $50,000 for each day a failure continues.

''(g) 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. 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. 5612. 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. 5613. 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. 5614. 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. 5615. STUDY ON COAST GUARD OVERSIGHT AND INVESTIGATIONS.

(a) IN GENERAL.—Not later than 2 years 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.

(d) OTHER REVIEWS.—The study required by subsection (a) may rely upon recently completed or ongoing reviews by the Comptroller General or other entities, as applicable.

SEC. 5616. 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. 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. 5707. 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. 5708. 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. 5709. 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 6444. Mr. REED (for Ms. CANTWELL (for herself and Mr. WICKER)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of 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''.

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), including an Alaska Native Corporation.

''(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);

''(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); and

''(5) the term 'Alaska Native Corporation' has the meaning given the term 'Native Corporation' under section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).''.

(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, Tribal, and private stakeholders involved, to improve resiliency prior to weather-related disasters.

SEC. 3524. STUDY ON FOREIGN INVESTMENT IN SHIPPING.

(a) ASSESSMENT.—Subject to appropriations, the Under Secretary of Commerce for International Trade (referred to in this section as the ''Under Secretary'') in coordination with Maritime Administration, the Federal Maritime Commission, and other relevant agencies 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 the appropriate committees of Congress, as defined in section 3538, 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 Homeland Security and Governmental Affairs 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 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) 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 Committee on Armed Services of 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, or local government or entity, including special districts;

''(3) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) or a consortium of Indian Tribes;

''(4) an institution of higher education as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); or

''(5) 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. 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, and in consultation with the Director of the United States Fish and Wildlife Service, shall commence a study that—

(1) examines the existing science on tire-related chemicals in stormwater runoff at ports 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 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

(4) provides recommendations based on the best available science on relevant management approaches at ports 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 Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works 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. 3543. 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 6445. Mr. REED (for Mr. MENENDEZ) submitted an amendment intneded to be proposed to amendment SA 5499 proposed by Mr. REED (for himslef and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiseal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

DIVISION E—DEPARTMENT OF STATE AUTHORIZATIONS

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Department of State Authorization Act of 2022''.

SEC. 5002. DEFINITIONS.

In this division:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) 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.

(3) DEPARTMENT.—Unless otherwise specified, the term ''Department'' means the Department of State.

(4) SECRETARY.—Unless otherwise specified, the term ''Secretary'' means the Secretary of State.

(5) USAID.—The term ''USAID'' means the United States Agency for International Development.

TITLE LI—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

SEC. 5101. MODERNIZING THE BUREAU OF ARMS CONTROL, VERIFICATION, AND COMPLIANCE AND THE BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.

It is the sense of Congress that—

(1) the Secretary should take steps to address staffing shortfalls in the chemical, biological, and nuclear weapons issue areas in the Bureau of Arms Control, Verification, and Compliance and in the Bureau of International Security and Nonproliferation;

(2) maintaining a fully staffed and resourced Bureau of Arms Control, Verification, and Compliance and Bureau of International Security and Nonproliferation is necessary to effectively confront the threat of increased global proliferation; and

(3) the Bureau of Arms Control, Verification, and Compliance and the Bureau of International Security and Nonproliferation should increase efforts and dedicate resources to combat the dangers posed by the People's Republic of China's conventional and nuclear build-up, the Russian Federation's tactical nuclear weapons and new types of nuclear weapons, bioweapons proliferation, dual use of life sciences research, and chemical weapons.

SEC. 5102. NOTIFICATION TO CONGRESS FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.

Section 302 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741) is amended—

(1) in subsection (a), by inserting '', as expeditiously as possible,'' after ''review''; and

(2) by amending subsection (b) to read as follows:

''(b) REFERRALS TO SPECIAL ENVOY; NOTIFICATION TO CONGRESS.—

''(1) IN GENERAL.—Upon a determination by the Secretary of State, based on the totality of the circumstances, that there is credible

information that the detention of a United States national abroad is unlawful or wrongful, and regardless of whether the detention is by a foreign government or a nongovernmental actor, the Secretary shall—

''(A) expeditiously transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Special Envoy for Hostage Affairs; and

''(B) not later than 14 days after such determination, notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such determination and provide such committees with a summary of the facts that led to such determination.

''(2) FORM.—The notification described in paragraph (1)(B) may be classified, if necessary.''.

SEC. 5103. FAMILY ENGAGEMENT COORDINATOR.

Section 303 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741a) is amended by adding at the end the following:

''(d) FAMILY ENGAGEMENT COORDINATOR.—There shall be, in the Office of the Special Presidential Envoy for Hostage Affairs, a Family Engagement Coordinator, who shall ensure—

''(1) for a United States national unlawfully or wrongfully detained abroad, that—

''(A) any interaction by executive branch officials with any family member of such United States national occurs in a coordinated fashion;

''(B) such family member receives consistent and accurate information from the United States Government; and

''(C) appropriate coordination with the Family Engagement Coordinator described in section 304(c)(2); and

''(2) for a United States national held hostage abroad, that any engagement with a family member is coordinated with, consistent with, and not duplicative of the efforts of the Family Engagement Coordinator described in section 304(c)(2).''.

SEC. 5104. REWARDS FOR JUSTICE.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) in paragraph (4), by striking ''or (10);'' and inserting ''(10), or (14);'';

(2) in paragraph (12), by striking ''or'' at the end;

(3) in paragraph (13), by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(14) the prevention, frustration, or resolution of the hostage taking of a United States person, the identification, location, arrest, or conviction of a person responsible for the hostage taking of a United States person, or the location of a United States person who has been taken hostage, in any country.''.

SEC. 5105. ENSURING GEOGRAPHIC DIVERSITY AND ACCESSIBILITY OF PASSPORT AGENCIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that Department initiatives to expand passport services and accessibility, including through online modernization projects, should include the construction of new physical passport agencies.

(b) REVIEW.—The Secretary shall conduct a review of the geographic diversity and accessibility of existing passport agencies to identify—

(1) the geographic areas in the United States that are farther than 6 hours' driving distance from the nearest passport agency;

(2) the per capita demand for passport services in the areas described in paragraph (1); and

(3) a plan to ensure that in-person services at physical passport agencies are accessible to all eligible Americans, including Americans living in large population centers, in rural areas, and in States with a high per capita demand for passport services.

(c) CONSIDERATIONS.—The Secretary shall consider the metrics identified in paragraphs (1) and (2) of subsection (b) when determining locations for the establishment of new physical passport agencies.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary 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 findings of the review conducted pursuant to subsection (b).

SEC. 5106. CULTURAL ANTIQUITIES TASK FORCE.

The Secretary is authorized to use up to $1,000,000 for grants to carry out the activities of the Cultural Antiquities Task Force.

SEC. 5107. BRIEFING ON "CHINA HOUSE".

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees regarding the organizational structure, personnel, resources, and mission of the Department of State's ''China House'' team.

SEC. 5108. OFFICE OF SANCTIONS COORDINATION.

(a) EXTENSION OF AUTHORITIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended, in paragraph (4)(B) of subsection (l), as redesignated by section 5502(a)(2) of this Act, by striking ''the date that is two years after the date of the enactment of this subsection'' and inserting ''December 31, 2024''.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, or designee, shall brief the appropriate congressional committees with respect to the steps that the Office of Sanctions Coordination has taken to coordinate its activities with the Department of the Treasury and humanitarian aid programs, in an effort to help ensure appropriate flows of humanitarian assistance and goods to countries subject to United States sanctions.

TITLE LII—PERSONNEL ISSUES

SEC. 5201. DEPARTMENT OF STATE PAID STUDENT INTERNSHIP PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Department of State Student Internship Program (referred to in this section as the ''Program'') to offer internship opportunities at the Department to eligible students to raise awareness of the essential role of diplomacy in the conduct of United States foreign policy and the realization of United States foreign policy objectives.

(b) ELIGIBILITY.—An applicant is eligible to participate in the Program if the applicant—

(1) is enrolled at least half-time at—

(A) an institution of higher education (as such term is defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a))); or

(B) an institution of higher education based outside the United States, as determined by the Secretary of State; and

(2) is eligible to receive and hold an appropriate security clearance.

(c) SELECTION.—The Secretary shall establish selection criteria for students to be admitted into the Program that includes a demonstrated interest in a career in foreign affairs.

(d) OUTREACH.—The Secretary shall—

(1) widely advertise the Program, including—

(A) on the internet;

(B) through the Department's Diplomats in Residence program; and

(C) through other outreach and recruiting initiatives targeting undergraduate and graduate students; and

(2) conduct targeted outreach to encourage participation in the Program from—

(A) individuals belonging to an underrepresented group; and

(B) students enrolled at minority-serving institutions (which shall include any institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(e) COMPENSATION.—

(1) HOUSING ASSISTANCE.—

(A) ABROAD.—The Secretary shall provide housing assistance to any student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is outside of the United States.

(B) DOMESTIC.—The Secretary may provide housing assistance to a student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is more than 50 miles away from such student's permanent address.

(2) TRAVEL ASSISTANCE.—The Secretary shall provide a student participating in the Program whose permanent address is within the United States with financial assistance that is sufficient to cover the travel costs of a single round trip by air, train, bus, or other appropriate transportation between the student's permanent address and the location of the internship in which such student is participating if such location is—

(A) more than 50 miles from the student's permanent address; or

(B) outside of the United States.

(f) WORKING WITH INSTITUTIONS OF HIGHER EDUCATION.—The Secretary, to the maximum extent practicable, shall structure internships to ensure that such internships satisfy criteria for academic credit at the institutions of higher education in which participants in such internships are enrolled.

(g) TRANSITION PERIOD.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), beginning not later than 2 years after the date of the enactment of this Act—

(A) the Secretary shall convert unpaid internship programs of the Department, including the Foreign Service Internship Program, to internship programs that offer compensation; and

(B) upon selection as a candidate for entry into an internship program of the Department, a participant in such internship program may refuse compensation, including if doing so allows such participant to receive college or university curricular credit.

(2) EXCEPTION.—The transition required under paragraph (1) shall not apply to unpaid internship programs of the Department that are part of the Virtual Student Federal Service internship program.

(3) WAIVER.—

(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1)(A) with respect to a particular unpaid internship program if the Secretary, not later than 30 days after making a determination that the conversion of such internship program to a compensated internship program would not be consistent with effective management goals, submits a report explaining such determination to—

(i) the appropriate congressional committees;

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

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

(B) REPORT.—The report required under subparagraph (A) shall—

(i) describe the reasons why converting an unpaid internship program of the Department to an internship program that offers compensation would not be consistent with effective management goals; and

(ii)(I) provide justification for maintaining such unpaid status indefinitely; or

(II) identify any additional authorities or resources that would be necessary to convert such unpaid internship program to offer compensation in the future.

(h) REPORTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the committees referred to in subsection (g)(3)(A) that includes—

(1) data, to the extent the collection of such information is permissible by law, regarding the number of students who applied to the Program, were offered a position, and participated, respectively, disaggregated by race, ethnicity, sex, institution of higher education, home State, State where each student graduated from high school, and disability status;

(2) data regarding the number of security clearance investigations initiated for the students described in paragraph (1), including the timeline for such investigations, whether such investigations were completed, and when an interim security clearance was granted;

(3) information on Program expenditures; and

(4) information regarding the Department's compliance with subsection (g).

(i) VOLUNTARY PARTICIPATION.—

(1) IN GENERAL.—Nothing in this section may be construed to compel any student who is a participant in an internship program of the Department to participate in the collection of the data or divulge any personal information. Such students shall be informed that their participation in the data collection under this section is voluntary.

(2) PRIVACY PROTECTION.—Any data collected under this section shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees.

(j) SPECIAL HIRING AUTHORITY.—Notwithstanding any other provision of law, the Secretary, in consultation with the Director of the Office of Personnel Management, with respect to the number of interns to be hired each year, may—

(1) select, appoint, and employ individuals for up to 1 year through compensated internships in the excepted service; and

(2) remove any compensated intern employed pursuant to paragraph (1) without regard to the provisions of law governing appointments in the competitive excepted service.

SEC. 5202. IMPROVEMENTS TO THE PREVENTION OF, AND THE RESPONSE TO, HARASSMENT, DISCRIMINATION, SEXUAL ASSAULT, AND RELATED RETALIATION.

(a) POLICIES.—The Secretary should develop and strengthen policies regarding harassment, discrimination, sexual assault, and related retaliation, including policies for—

(1) addressing, reporting, and providing transitioning support;

(2) advocacy, service referrals, and travel accommodations; and

(3) disciplining anyone who violates Department policies regarding harassment, discrimination, sexual assault, or related retaliation occurring between covered individuals and noncovered individuals.

(b) DISCIPLINARY ACTION.—

(1) SEPARATION FOR CAUSE.—Section 610(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(1)), is amended—

(A) by striking ''decide to''; and

(B) by inserting ''upon receiving notification from the Bureau of Diplomatic Security that such member has engaged in criminal misconduct, such as murder, rape, or other sexual assault'' before the period at the end.

(2) UPDATE TO MANUAL.—The Director of Global Talent shall—

(A) update the ''Grounds for Disciplinary Action'' and ''List of Disciplinary Offenses and Penalties'' sections of the Foreign Affairs Manual to reflect the amendments made under paragraph (1); and

(B) communicate such updates to Department staff through publication in Department Notices.

(c) SEXUAL ASSAULT PREVENTION AND RESPONSE VICTIM ADVOCATES.—

(1) PLACEMENT.—The Secretary shall ensure that the Diplomatic Security Service's Victims' Resource Advocacy Program—

(A) is appropriately staffed by advocates who are physically present at—

(i) the headquarters of the Department; and

(ii) major domestic and international facilities and embassies, as determined by the Secretary;

(B) considers the logistics that are necessary to allow for the expedient travel of victims from Department facilities that do not have advocates; and

(C) uses funds available to the Department to provide emergency food, shelter, clothing, and transportation for victims involved in matters being investigated by the Diplomatic Security Service.

SEC. 5203. INCREASING THE MAXIMUM AMOUNT AUTHORIZED FOR SCIENCE AND TECHNOLOGY FELLOWSHIP GRANTS AND COOPERATIVE AGREEMENTS.

Section 504(e)(3) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d(e)(3)) is amended by striking ''$500,000'' and inserting ''$2,000,000''.

SEC. 5204. ADDITIONAL PERSONNEL TO ADDRESS BACKLOGS IN HIRING AND INVESTIGATIONS.

(a) IN GENERAL.—The Secretary shall seek to increase the number of personnel within the Bureau of Global Talent Management and the Office of Civil Rights to address backlogs in hiring and investigations into complaints conducted by the Office of Civil Rights.

(b) EMPLOYMENT TARGETS.—The Secretary shall seek to employ—

(1) not fewer than 15 additional personnel in the Bureau of Global Talent Management and the Office of Civil Rights (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 180 days after such date of enactment; and

(2) not fewer than 15 additional personnel in such Bureau and Office (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 1 year after such date of enactment.

SEC. 5205. FOREIGN AFFAIRS TRAINING.

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

(1) the Department 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 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 and other national security agency personnel; and

(4) consistent with gift acceptance authority of the Department 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 and the Foreign Service with the level of professional development and training needed to effectively advance United States interests across the world, the Secretary shall—

(1) increase relevant offerings provided by the Department—

(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 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, 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 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 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; 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 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 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.

(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.—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.

(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.

(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 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; 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, 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.

(g) OTHER AGENCY RESPONSIBILITIES AND OPPORTUNITIES FOR CONGRESSIONAL STAFF.—

(1) OTHER AGENCIES.—National security agencies other than the Department 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 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 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 shall develop and submit to the appropriate committees of Congress a strategy for adapting and evolving training requirements to better meet the Department'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'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'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 shall—

(A) collaborate with other national security departments and agencies that employ residential training for their orientation courses; and

(B) consider using the Department'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 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, 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; and

(C) the results and impact of the strategy on the workforce of the Department, 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 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 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's long-term trends with respect to its workforce, the Secretary, 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) for Federal personnel—

(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;

(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'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; and

(ii) for personal service contracts and other contracts with individuals—

(I) the number of individuals under active contracts; and

(II) the distribution of these individual contractors, including a breakdown of the number of personnel in geographic and functional bureaus, and the number of individual contractors supporting overseas missions, disagreggated by region.

(B) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary 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 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, to inform recommendations on the appropriate size and composition of the Department.

(l) SENSE OF CONGRESS ON THE IMPORTANCE OF FILLING THE POSITION OF UNDERSECRETARY 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 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;

(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 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.

SEC. 5206. SECURITY CLEARANCE APPROVAL PROCESS.

(a) RECOMMENDATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary, in coordination with the Director of National Intelligence, shall submit recommendations to the appropriate congressional committees for streamlining the security clearance approval process within the Bureau of Diplomatic Security so that the security clearance approval process for Civil Service and Foreign Service applicants is completed within 6 months, on average, and within 1 year, in the vast majority of cases.

(b) REPORT.—Not later than 90 days after the recommendations are submitted pursuant to subsection (a), the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives that—

(1) describes the status of the efforts of the Department to streamline the security clearance approval process; and

(2) identifies any remaining obstacles preventing security clearances from being completed within the time frames set forth in subsection (a), including lack of cooperation or other actions by other Federal departments and agencies.

SEC. 5207. ADDENDUM FOR STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees an addendum to the report required under section 5302 of the Department of State Authorization Act of 2021 (division E of Public Law 117–81), which shall be entitled the ''Report on Bidding for Domestic and Overseas Posts and Filling Unfilled Positions''. The addendum shall be prepared using input from the same federally funded research and development center that prepared the analysis conducted for the purposes of such report.

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

(1) the total number of domestic and overseas positions open during the most recent summer bidding cycle;

(2) the total number of bids each position received;

(3) the number of unfilled positions at the conclusion of the most recent summer bidding cycle, disaggregated by bureau; and

(4) detailed recommendations and a timeline for—

(A) increasing the number of qualified bidders for underbid positions; and

(B) minimizing the number of unfilled positions at the end of the bidding season.

SEC. 5208. CURTAILMENTS, REMOVALS FROM POST, AND WAIVERS OF PRIVILEGES AND IMMUNITIES.

(a) CURTAILMENTS REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit a report to the appropriate congressional committees regarding curtailments of Department personnel from overseas posts.

(2) CONTENTS.—The Secretary shall include in the report required under paragraph (1)—

(A) relevant information about any post that, during the 6-month period preceding the report—

(i) had more than 5 curtailments; or

(ii) had curtailments representing more than 5 percent of Department personnel at such post; and

(B) for each post referred to in subparagraph (A), the number of curtailments, disaggregated by month of occurrence.

(b) REMOVAL OF DIPLOMATS.—Not later than 5 days after the date on which any United States personnel under Chief of Mission authority is declared persona non grata by a host government, the Secretary shall—

(1) notify the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives of such declaration; and

(2) include with such notification—

(A) the official reason for such declaration (if provided by the host government);

(B) the date of the declaration; and

(C) whether the Department responded by declaring a host government's diplomat in the United States persona non grata.

(c) WAIVER OF PRIVILEGES AND IMMUNITIES.—Not later than 15 days after any waiver of privileges and immunities pursuant to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, that is applicable to an entire diplomatic post or to the majority of United States personnel under Chief of Mission authority, the Secretary shall notify the appropriate congressional committees of such waiver and the reason for such waiver.

(d) TERMINATION.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 5209. REPORT ON WORLDWIDE AVAILABILITY.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the feasibility of requiring that each member of the Foreign Service, at the time of entry into the Foreign Service and thereafter, be worldwide available, as determined by the Secretary.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) the feasibility of a worldwide availability requirement for all members of the Foreign Service;

(2) considerations if such a requirement were to be implemented, including the potential effect on recruitment and retention; and

(3) recommendations for exclusions and limitations, including exemptions for medical reasons, disability, and other circumstances.

SEC. 5210. PROFESSIONAL DEVELOPMENT.

(a) REQUIREMENTS.—The Secretary shall strongly encourage that Foreign Service officers seeking entry into the Senior Foreign Service participate in professional development described in subsection (c).

(b) REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit recommendations on requiring that Foreign Service officers complete professional development described in subsection (c) to be eligible for entry into the Senior Foreign Service.

(c) PROFESSIONAL DEVELOPMENT DESCRIBED.—Professional development described in this subsection is not less than 6 months of training or experience outside of the Department, including time spent—

(1) as a detailee to another government agency, including Congress or a State, Tribal, or local government;

(2) in Department-sponsored and -funded university training that results in an advanced degree, excluding time spent at a university that is fully funded or operated by the Federal Government.

(d) PROMOTION PRECEPTS.—The Secretary shall instruct promotion boards to consider positively long-term training and out-of-agency detail assignments.

SEC. 5211. MANAGEMENT ASSESSMENTS AT DIPLOMATIC AND CONSULAR POSTS.

(a) IN GENERAL.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary shall annually conduct, at each diplomatic and consular post, a voluntary survey, which shall be offered to all staff assigned to that post who are citizens of the United States (excluding the Chief of Mission) to assess the management and leadership of that post by the Chief of Mission, the Deputy Chief of Mission, and the Charge d'Affaires.

(b) ANONYMITY.—All responses to the survey shall be—

(1) fully anonymized; and

(2) made available to the Director General of the Foreign Service.

(c) SURVEY.—The survey shall seek to assess—

(1) the general morale at post;

(2) the presence of any hostile work environment;

(3) the presence of any harassment, discrimination, retaliation, or other mistreatment; and

(4) effective leadership and collegial work environment.

(d) DIRECTOR GENERAL RECOMMENDATIONS.—Upon compilation and review of the surveys, the Director General of the Foreign Service shall issue recommendations to posts, as appropriate, based on the findings of the surveys.

(e) REFERRAL.—If the surveys reveal any action that is grounds for referral to the Inspector General of the Department of State and the Foreign Service, the Director General of the Foreign Service may refer the matter to the Inspector General of the Department of State and the Foreign Service, who shall, as the Inspector General considers appropriate, conduct an inspection of the post in accordance with section 209(b) of the Foreign Service Act of 1980 (22 U.S.C. 3929(b)).

(f) ANNUAL REPORT.—The Director General of the Foreign Service shall submit an annual report to the appropriate congressional committees that includes—

(1) any trends or summaries from the surveys;

(2) the posts where corrective action was recommended or taken in response to any issues identified by the surveys; and

(3) the number of referrals to the Inspector General of the Department of State and the Foreign Service, as applicable.

(g) INITIAL BASIS.—The Secretary shall carry out the surveys required under this section on an initial basis for 5 years.

SEC. 5212. INDEPENDENT REVIEW OF PROMOTION POLICIES.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive review of the policies, personnel, organization, and processes related to promotions within the Department, including—

(1) a review of—

(A) the selection and oversight of Foreign Service promotion panels; and

(B) the use of quantitative data and metrics in such panels;

(2) an assessment of the promotion practices of the Department, including how promotion processes are communicated to the workforce and appeals processes; and

(3) recommendations for improving promotion panels and promotion practices.

SEC. 5213. THIRD PARTY VERIFICATION OF PERMANENT CHANGE OF STATION (PCS) ORDERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a mechanism for third parties to verify the employment of, and the validity of permanent change of station (PCS) orders received by, members of the Foreign Service, in a manner that protects the safety, security, and privacy of sensitive employee information.

SEC. 5214. POST-EMPLOYMENT RESTRICTIONS ON SENATE-CONFIRMED OFFICIALS AT THE DEPARTMENT OF STATE.

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

(1) Congress and the executive branch have recognized the importance of preventing and mitigating the potential for conflicts of interest following government service, including with respect to senior United States officials working on behalf of foreign governments; and

(2) Congress and the executive branch should jointly evaluate the status and scope of post-employment restrictions.

(b) RESTRICTIONS.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following:

''(m) EXTENDED POST-EMPLOYMENT RESTRICTIONS FOR CERTAIN SENATE-CONFIRMED OFFICIALS.—

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

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

''(i) the People's Republic of China;

''(ii) the Russian Federation;

''(iii) the Islamic Republic of Iran;

''(iv) the Democratic People's Republic of Korea;

''(v) the Republic of Cuba; and

''(vi) the Syrian Arab Republic.

''(B) FOREIGN GOVERNMENT ENTITY.—The term 'foreign governmental entity' includes—

''(i) any person employed by—

''(I) any department, agency, or other entity of a foreign government at the national, regional, or local level;

''(II) any governing party or coalition of a foreign government at the national, regional, or local level; or

''(III) any entity majority-owned or majority-controlled by a foreign government at the national, regional, or local level; and

''(ii) in the case of a country described in paragraph (3)(B), any company, economic project, cultural organization, exchange program, or nongovernmental organization that is more than 33 percent owned or controlled by the government of such country.

''(C) REPRESENTATION.—The term 'representation' does not include representation by an attorney, who is duly licensed and authorized to provide legal advice in a United States jurisdiction, of a person or entity in a legal capacity or for the purposes of rendering legal advice.

''(2) SECRETARY OF STATE AND DEPUTY SECRETARY OF STATE.—With respect to a person serving as the Secretary of State or Deputy Secretary of State, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to any such person who knowingly represents, aids, or advises a foreign governmental entity before an officer or employee of the executive branch of the United States at any time after the termination of that person's service as Secretary or Deputy Secretary.

''(3) UNDER SECRETARIES, ASSISTANT SECRETARIES, AND AMBASSADORS.—With respect to a person serving as an Under Secretary, Assistant Secretary, or Ambassador at the Department of State or as the United States Permanent Representative to the United Nations, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to any such person who knowingly represents, aids, or advises—

''(A) a foreign governmental entity before an officer or employee of the executive branch of the United States for 3 years after the termination of that person's service in a position described in this paragraph, or the duration of the term or terms of the President who appointed that person to their position, whichever is longer; or

''(B) a foreign governmental entity of a country of concern before an officer or employee of the executive branch of the United States at any time after the termination of that person's service in a position described in this paragraph.

''(4) PENALTIES AND INJUNCTIONS.—Any violations of the restrictions under paragraphs (2) or (3) shall be subject to the penalties and injunctions provided for under section 216 of title 18, United States Code.

''(5) NOTICE OF RESTRICTIONS.—Any person subject to the restrictions under this subsection shall be provided notice of these restrictions by the Department of State—

''(A) upon appointment by the President; and

''(B) upon termination of service with the Department of State.

''(6) EFFECTIVE DATE.—The restrictions under this subsection shall apply only to persons who are appointed by the President to the positions referenced in this subsection on or after 120 days after the date of the enactment of the Department of State Authorization Act of 2022.

''(7) SUNSET.—The restrictions under paragraph (3)(B) shall expire on the date that is 7 years after the date of the enactment of this Act.''.

SEC. 5215. EXPANSION OF AUTHORITIES REGARDING SPECIAL RULES FOR CERTAIN MONTHLY WORKERS' COMPENSATION PAYMENTS AND OTHER PAYMENTS.

Section 901 of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b) is amended by adding at the end the following:

''(j) EXPANSION OF AUTHORITIES.—The head of any Federal agency may exercise the authorities of this section, including to designate an incident, whether the incident occurred in the United States or abroad, for purposes of subparagraphs (A)(ii) and (B)(ii) of subsection (e)(4) when the incident affects United States Government employees of the agency or their dependents who are not under the security responsibility of the Secretary of State as set forth in section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) or when operational control of overseas security responsibility for such employees or dependents has been delegated to the head of the agency.''.

TITLE LIII—EMBASSY SECURITY AND CONSTRUCTION

SEC. 5301. AMENDMENTS TO SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the ''Secure Embassy Construction and Counterterrorism Act of 2022''.

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

(1) The Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of appendix G of Public Law 106–113) was a necessary response to bombings on August 7, 1998, at the United States embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, that were destroyed by simultaneously exploding bombs. The resulting explosions killed 220 persons and injured more than 4,000 others. Twelve Americans and 40 Kenyan and Tanzanian employees of the United States Foreign Service were killed in the attacks.

(2) Those bombings, followed by the expeditionary diplomatic efforts in Iraq and Afghanistan, demonstrated the need to prioritize the security of United States posts and personnel abroad above other considerations.

(3) Between 1999 and 2022, the risk calculus of the Department impacted the ability of United States diplomats around the world to advance the interests of the United States through access to local populations, leaders, and places.

(4) America's competitors and adversaries do not have the same restrictions that United States diplomats have, especially in critically important medium-threat and high-threat posts.

(5) The Department's 2021 Overseas Security Panel report states that—

(A) the requirement for setback and collocation of diplomatic posts under paragraphs (2) and (3) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)) has led to skyrocketing costs of new embassies and consulates; and

(B) the locations of such posts have become less desirable, creating an extremely suboptimal nexus that further hinders United States diplomats who are willing to accept more risk in order to advance United States interests.

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

(1) the setback and collocation requirements referred to in subsection (b)(5)(A), even with available waivers, no longer provide the security such requirements used to provide because of advancement in technologies, such as remote controlled drones, that can evade walls and other such static barriers;

(2) the Department should focus on creating performance security standards that—

(A) attempt to keep the setback requirements of diplomatic posts as limited as possible; and

(B) provide diplomats access to local populations as much as possible, while still providing a necessary level of security;

(3) collocation of diplomatic facilities is often not feasible or advisable, particularly for public diplomacy spaces whose mission is to reach and be accessible to wide sectors of the public, including in countries with repressive governments, since such spaces are required to permit the foreign public to enter and exit the space easily and openly;

(4) the Bureau of Diplomatic Security should—

(A) fully utilize the waiver process provided under paragraphs (2)(B) and (3)(B) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)); and

(B) appropriately exercise such waiver process as a tool to right-size the appropriate security footing at each diplomatic post rather than only approving waivers in extreme circumstances;

(5) the return of great power competition requires—

(A) United States diplomats to do all they can to outperform our adversaries; and

(B) the Department to better optimize use of taxpayer funding to advance United States national interests; and

(6) this section will better enable United States diplomats to compete in the 21st century, while saving United States taxpayers millions in reduced property and maintenance costs at embassies and consulates abroad.

(d) DEFINITION OF UNITED STATES DIPLOMATIC FACILITY.—Section 603 of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of appendix G of Public Law 106–113) is amended to read as follows:

''SEC. 603. UNITED STATES DIPLOMATIC FACILITY DEFINED.

''In this title, the terms 'United States diplomatic facility' and 'diplomatic facility' mean any chancery, consulate, or other office that—

''(1) is considered by the Secretary of State to be diplomatic or consular premises, consistent with the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, and the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and was notified to the host government as such; or

''(2) is otherwise subject to a publicly available bilateral agreement with the host government (contained in the records of the United States Department of State) that recognizes the official status of the United States Government personnel present at the facility.''.

(e) GUIDANCE AND REQUIREMENTS FOR DIPLOMATIC FACILITIES.—

(1) GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMACY FACILITIES.—Section 5606(a) of the Public Diplomacy Modernization Act of 2021 (Public Law 117–81; 22 U.S.C. 1475g note) is amended to read as follows:

''(a) IN GENERAL.—In order to preserve public diplomacy facilities that are accessible to the publics of foreign countries, not later than 180 days after the date of the enactment of the Secure Embassy Construction and Counterterrorism Act of 2022, the Secretary of State shall adopt guidelines to collect and utilize information from each diplomatic post at which the construction of a new embassy compound or new consulate compound

could result in the closure or co-location of an American Space that is owned and operated by the United States Government, generally known as an American Center, or any other public diplomacy facility under the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).''.

(2) SECURITY REQUIREMENTS FOR UNITED STATES DIPLOMATIC FACILITIES.—Section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)) is amended—

(A) in paragraph (1)(A), by striking ''the threat'' and inserting ''a range of threats, including that'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting ''in a location that has certain minimum ratings under the Security Environment Threat List as determined by the Secretary in his or her discretion'' after ''abroad''; and

(II) by inserting '', personnel of the Peace Corps, and personnel of any other type or category of facility that the Secretary may identify'' after ''military commander''; and

(ii) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

''(i) IN GENERAL.—Subject to clause (ii), the Secretary of State may waive subparagraph (A) if the Secretary, in consultation with, as appropriate, the head of each agency employing personnel that would not be located at the site, if applicable, determines that it is in the national interest of the United States after taking account of any considerations the Secretary in his or her discretion considers relevant, which may include security conditions.''; and

(II) in clause (ii), by striking ''(ii) CHANCERY OR CONSULATE BUILDING.—'' and all that follows through ''15 days prior'' and inserting the following:

''(ii) CHANCERY OR CONSULATE BUILDING.—Prior''; and

(C) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

''(A) REQUIREMENT.—

''(i) IN GENERAL.—Each newly acquired United States diplomatic facility in a location that has certain minimum ratings under the Security Environment Threat List as determined by the Secretary of State in his or her discretion shall—

''(I) be constructed or modified to meet the measured building blast performance standard applicable to a diplomatic facility sited not less than 100 feet from the perimeter of the property on which the facility is situated; or

''(II) fulfill the criteria described in clause (ii).

''(ii) ALTERNATIVE ENGINEERING EQUIVALENCY STANDARD REQUIREMENT.—Each facility referred to in clause (i) may, instead of meeting the requirement under such clause, fulfill such other criteria as the Secretary is authorized to employ to achieve an engineering standard of security and degree of protection that is equivalent to the numerical perimeter distance setback described in such clause seeks to achieve.''; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking ''security considerations permit and''; and

(bb) by inserting ''after taking account of any considerations the Secretary in his or her discretion considers relevant, which may include security conditions'' after ''national interest of the United States'';

(II) in clause (ii), by striking ''(ii) CHANCERY OR CONSULATE BUILDING.—'' and all that follows through ''15 days prior'' and inserting the following:

''(ii) CHANCERY OR CONSULATE BUILDING.—Prior''; and

(III) in clause (iii), by striking ''an annual'' and inserting ''a quarterly''.

SEC. 5302. DIPLOMATIC SUPPORT AND SECURITY.

(a) SHORT TITLE.—This section may be cited as the ''Diplomatic Support and Security Act of 2022''.

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

(1) A robust overseas diplomatic presence is part of an effective foreign policy, particularly in volatile environments where a flexible and timely diplomatic response can be decisive in preventing and addressing conflict.

(2) Diplomats routinely put themselves and their families at great personal risk to serve their country overseas where they face threats related to international terrorism, violent conflict, and public health.

(3) The Department has a remarkable record of protecting personnel while enabling an enormous amount of global diplomatic activity, often in unsecure and remote places and facing a variety of evolving risks and threats. With support from Congress, the Department of State has revised policy, improved physical security through retrofitting and replacing old facilities, deployed additional security personnel and armored vehicles, and greatly enhanced training requirements and training facilities, including the new Foreign Affairs Security Training Center in Blackstone, Virginia.

(4) Diplomatic missions rely on robust staffing and ambitious external engagement to advance United States interests as diverse as competing with China's malign influence around the world, fighting terrorism and transnational organized crime, preventing and addressing violent conflict and humanitarian disasters, promoting United States businesses and trade, protecting the rights of marginalized groups, addressing climate change, and preventing pandemic disease.

(5) Efforts to protect personnel overseas have often resulted in inhibiting diplomatic activity and limiting engagement between embassy personnel and local governments and populations.

(6) Given that Congress currently provides annual appropriations in excess of $1,900,000,000 for embassy security, construction, and maintenance, the Department should be able to ensure a robust overseas presence without inhibiting the ability of diplomats to—

(A) meet outside United States secured facilities with foreign leaders to explain, defend, and advance United States priorities;

(B) understand and report on foreign political, social, and economic conditions through meeting and interacting with community officials outside of United States facilities;

(C) provide United States citizen services; and

(D) collaborate and, at times, compete with other diplomatic missions, particularly those, such as that of the People's Republic of China, that do not have restrictions on meeting locations.

(7) Given these stakes, Congress has a responsibility to empower, support, and hold the Department accountable for implementing an aggressive strategy to ensure a robust overseas presence that mitigates potential risks and adequately considers the myriad direct and indirect consequences of a lack of diplomatic presence.

(c) ENCOURAGING EXPEDITIONARY DIPLOMACY.—

(1) PURPOSE.—Section 102(b) of the Diplomatic Security Act of 1986 (22 U.S.C. 4801(b)) is amended—

(A) by amending paragraph (3) to read as follows:

''(3) to promote strengthened security measures, institutionalize a culture of learning, and, in the case of apparent gross negligence or breach of duty, recommend that the Secretary investigate accountability for United States Government personnel with security-related responsibilities under chief of mission authority;'';

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (3) the following:

''(4) to support a culture of risk management, instead of risk avoidance, that enables the Department of State to pursue its vital goals with full knowledge that it is neither desirable nor possible for the Department to avoid all risks;''.

(2) BRIEFINGS ON EMBASSY SECURITY.—Section 105(a)(1) of the Diplomatic Security Act of 1986 (22 U.S.C. 4804(a)) is amended—

(A) by striking ''any plans to open or reopen a high risk, high threat post'' and inserting ''progress towards opening or reopening a high risk, high threat post, and the risk to national security of the continued closure or any suspension of operations and remaining barriers to doing so'';

(B) in subparagraph (A), by inserting ''the risk to United States national security of the post's continued closure or suspension of operations,'' after ''national security of the United States,''; and

(C) in subparagraph (C), by inserting ''the type and level of security threats such post could encounter, and'' before ''security 'tripwires' ''.

(d) SECURITY REVIEW COMMITTEES.—

(1) IN GENERAL.—Section 301 of the Diplomatic Security Act of 1986 (22 U.S.C. 4831) is amended—

(A) in the section heading, by striking ''**ACCOUNTABILITY REVIEW BOARDS**'' and inserting ''**SECURITY REVIEW COMMITTEES**'';

(B) in subsection (a)—

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

''(1) CONVENING THE SECURITY REVIEW COMMITTEE.—In any case of a serious security incident involving loss of life, serious injury, or significant destruction of property at, or related to, a United States Government diplomatic mission abroad (referred to in this title as a 'Serious Security Incident'), and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad, the Secretary of State shall convene a Security Review Committee, which shall issue a report providing a full account of what occurred, consistent with section 304.'';

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

(D) by inserting after paragraph (1) the following:

''(2) COMMITTEE COMPOSITION.—The Secretary shall designate a Chairperson and may designate additional personnel of commensurate seniority to serve on the Security Review Committee, which shall include—

''(A) the Director of the Office of Management Strategy and Solutions;

''(B) the Assistant Secretary responsible for the region where the incident occurred;

''(C) the Assistant Secretary of State for Diplomatic Security;

''(D) the Assistant Secretary of State for Intelligence and Research;

''(E) an Assistant Secretary-level representative from any involved United States Government department or agency; and

''(F) other personnel determined to be necessary or appropriate.'';

(i) in paragraph (3), as redesignated by clause (ii)—

(I) in the paragraph heading, by striking ''DEPARTMENT OF DEFENSE FACILITIES AND

PERSONNEL'' and inserting ''EXCEPTIONS TO CONVENING A SECURITY REVIEW COMMITTEE'';

(II) by striking ''The Secretary of State is not required to convene a Board in the case'' and inserting the following:

''(A) IN GENERAL.—The Secretary of State is not required to convene a Security Review Committee—

''(i) if the Secretary determines that the incident involves only causes unrelated to security, such as when the security at issue is outside of the scope of the Secretary of State's security responsibilities under section 103;

''(ii) if operational control of overseas security functions has been delegated to another agency in accordance with section 106;

''(iii) if the incident is a cybersecurity incident and is covered by other review mechanisms; or

''(iv) in the case''; and

(III) by striking ''In any such case'' and inserting the following:

''(B) DEPARTMENT OF DEFENSE INVESTIGATIONS.—In the case of an incident described in subparagraph (A)(iv)''; and

(E) by adding at the end the following:

''(5) RULEMAKING.—The Secretary of State shall promulgate regulations defining the membership and operating procedures for the Security Review Committee and provide such guidance to the Chair and ranking members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''BOARDS'' and inserting ''SECURITY REVIEW COMMITTEES''; and

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

''(1) IN GENERAL.—The Secretary of State shall convene a Security Review Committee not later than 60 days after the occurrence of an incident described in subsection (a)(1), or 60 days after the Department first becomes aware of such an incident, whichever is earlier, except that the 60-day period for convening a Security Review Committee may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary.''; and

(3) by amending subsection (c) to read as follows:

''(c) CONGRESSIONAL NOTIFICATION.—Whenever the Secretary of State convenes a Security Review Committee, the Secretary shall promptly inform the chair and ranking member of—

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

''(2) the Select Committee on Intelligence of the Senate;

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

''(4) the Permanent Select Committee on Intelligence of the House of Representatives''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 302 of the Diplomatic Security Act of 1986 (22 U.S.C. 4832) is amended—

(1) in the section heading, by striking ''**ACCOUNTABILITY REVIEW BOARD**'' and inserting ''**SECURITY REVIEW COMMITTEE**''; and

(2) by striking ''a Board'' each place such term appears and inserting ''a Security Review Committee''.

(f) 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 a 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) 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.

''(c) 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 (b). The Security Review Committee shall determine the level of classification of the final report prepared pursuant to section 304(b), and shall incorporate the same confidentiality measures in such report to the maximum extent practicable.''.

(g) FINDINGS AND RECOMMENDATIONS OF THE SECURITY REVIEW COMMITTEE.—Section 304 of the Diplomatic Security Act of 1986 (22 U.S.C. 4834) is amended to read as follows:

''SEC. 304. SECURITY REVIEW COMMITTEE FINDINGS AND REPORT.

''(a) FINDINGS.—The Security Review Committee shall—

''(1) review the Report of Investigation prepared pursuant to section 303(b), and all other evidence, reporting, and relevant information relating to a Serious Security Incident at a United States mission abroad, including an examination of the facts and circumstances surrounding any serious injuries, loss of life, or significant destruction of property resulting from the incident; and

''(2) determine, in writing—

''(A) whether the incident was security related and constituted a Serious Security Incident;

''(B) if the incident involved a diplomatic compound, motorcade, residence, or other mission facility—

''(i) whether the security systems, security countermeasures, and security procedures operated as intended; and

''(ii) whether such systems worked to materially mitigate the attack or were found to be inadequate to mitigate the threat and attack;

''(C) if the incident involved an individual or group of officers conducting an approved operation outside the mission, whether a valid process was followed in evaluating the requested operation and weighing the risk of the operation, which determination shall not seek to assign accountability for the incident unless the Security Review Committee determines that an official breached his or her duty;

''(D) the impact of intelligence and information availability, and whether the mission was aware of the general operating threat environment or any more specific threat intelligence or information and took that into account in ongoing and specific operations; and

''(E) any other facts and circumstances that may be relevant to the appropriate security management of United States missions abroad.

''(b) REPORT.—

''(1) SUBMISSION TO SECRETARY OF STATE.—Not later than 60 days after receiving the Report of Investigation prepared pursuant to section 303(b), the Security Review Committee shall submit a report to the Secretary of State that includes—

''(A) the findings described in subsection (a); and

''(B) any related recommendations.

''(2) SUBMISSION TO CONGRESS.—Not later than 90 days after receiving the report pursuant to paragraph (1), the Secretary of State shall submit a copy of the report to—

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

''(B) the Select Committee on Intelligence of the Senate;

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

''(D) the Permanent Select Committee on Intelligence of the House of Representatives.

''(c) PERSONNEL RECOMMENDATIONS.—If in the course of conducting an investigation under section 303, the investigative team finds reasonable cause to believe any individual described in section 303(a)(2)(D) has breached the duty of that individual or finds lesser failures on the part of an individual in the performance of his or her duties related to the incident, it shall be reported to the Security Review Committee. If the Security Review Committee finds reasonable cause to support the determination, it shall be reported to the Secretary for appropriate action.''.

(h) RELATION TO OTHER PROCEEDINGS.—Section 305 of the Diplomatic Security Act of 1986 (22 U.S.C. 4835) is amended—

(1) by inserting ''(a) NO EFFECT ON EXISTING REMEDIES OR DEFENSES.—'' before ''Nothing in this title''; and

(2) by adding at the end the following:

''(b) FUTURE INQUIRIES.—Nothing in this title may be construed to preclude the Secretary of State from convening a follow-up public board of inquiry to investigate any security incident if the incident was of such magnitude or significance that an internal process is deemed insufficient to understand and investigate the incident. All materials gathered during the procedures provided under this title shall be provided to any related board of inquiry convened by the Secretary.''.

SEC. 5303. ESTABLISHMENT OF UNITED STATES EMBASSIES IN VANUATU, KIRIBATI, AND TONGA.

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

(1) The Pacific Islands are vital to United States national security and national interests in the Indo-Pacific region and globally.

(2) The Pacific Islands region spans 15 percent of the world's surface area and controls access to open waters in the Central Pacific, sea lanes to the Western Hemisphere, supply lines to United States forward-deployed forces in East Asia, and economically important fisheries.

(3) The Pacific Islands region is home to the State of Hawaii, 11 United States territories, United States Naval Base Guam, and United States Andersen Air Force Base.

(4) Pacific Island countries cooperate with the United States and United States partners on maritime security and efforts to stop illegal, unreported, and destructive fishing.

(5) The Pacific Islands are rich in biodiversity and are on the frontlines of environmental challenges and climate issues.

(6) The People's Republic of China (PRC) seeks to increase its influence in the Pacific Islands region, including through infrastructure development under the PRC's One Belt, One Road Initiative and its new security agreement with the Solomon Islands.

(7) The United States Embassy in Papua New Guinea manages the diplomatic affairs of the United States to the Republic of Vanuatu, and the United States Embassy in Fiji manages the diplomatic affairs of the United States to the Republic of Kiribati and the Kingdom of Tonga.

(8) The United States requires a physical diplomatic presence in the Republic of Vanuatu, the Republic of Kiribati, and the Kingdom of Tonga, to ensure the physical and operational security of our efforts in those countries to deepen relations, protect United States national security, and pursue United States national interests.

(9) Increasing the number of United States embassies dedicated solely to a Pacific Island country demonstrates the United States' ongoing commitment to the region and to the Pacific Island countries.

(b) ESTABLISHMENT OF EMBASSIES.—

(1) IN GENERAL.—The Secretary of State should establish physical United States embassies in the Republic of Kiribati and in the Kingdom of Tonga, and a physical presence in the Republic of Vanuatu as soon as possible.

(2) OTHER STRATEGIES.—

(A) PHYSICAL INFRASTRUCTURE.—In establishing embassies pursuant to paragraph (1) and creating the physical infrastructure to ensure the physical and operational safety of embassy personnel, the Secretary may pursue rent or purchase existing buildings or colocate personnel in embassies of like-minded partners, such as Australia and New Zealand.

(B) PERSONNEL.—In establishing a physical presence in the Republic of Vanuatu pursuant to paragraph (1), the Secretary may assign 1 or more United States Government personnel to the Republic of Vanuatu as part of the United States mission in Papua New Guinea.

(3) WAIVER AUTHORITY.—The President may waive the requirements under paragraph (1) for a period of one year if the President determines and reports to Congress in advance that such waiver is necessary to protect the national security interests of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to the Department of State for Embassy Security, Construction, and Maintenance—

(1) $40,200,000 is authorized to be appropriated for fiscal year 2023 for the establishment and maintenance of the 3 embassies authorized to be established under subsection (b); and

(2) $3,000,000 is authorized to be appropriated for fiscal year 2024 to maintain such embassies.

(d) REPORT.—

(1) DEFINED TERM.—In this subsection, 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.

(2) PROGRESS REPORT.—Not later than 180 days following the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report that includes—

(A) a description of the status of activities carried out to achieve the objectives described in this section;

(B) an estimate of when embassies and a physical presence will be fully established pursuant to subsection (b)(1); and

(C) an update on events in the Pacific Islands region relevant to the establishment of United States embassies, including activities by the People's Republic of China.

(3) REPORT ON FINAL DISPOSITION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that—

(A) confirms the establishment of the 2 embassies and the physical presence required under subsection (b)(1); or

(B) if the embassies and physical presence required in subsection (b)(1) have not been established, a justification for such failure to comply with such requirement.

TITLE LIV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND PROMOTION

SEC. 5401. REPORT ON BARRIERS TO APPLYING FOR EMPLOYMENT WITH THE DEPARTMENT OF STATE.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that—

(1) identifies any barriers for applicants applying for employment with the Department;

(2) provides demographic data of online applicants during the most recent 3 years disaggregated by race, ethnicity, sex, age, veteran status, disability, geographic region;

(3) assesses any barriers that exist for applying online for employment with the Department, disaggregated by race, ethnicity, sex, age, veteran status, disability, geographic region; and

(4) includes recommendations for addressing any disparities identified in the online application process.

SEC. 5402. COLLECTION, ANALYSIS, AND DISSEMINATION OF WORKFORCE DATA.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes disaggregated demographic data and other information regarding the diversity of the workforce of the Department.

(b) DATA.—The report required under subsection (a) shall include, to the maximum extent that the collection and dissemination of such data can be done in a way that protects the confidentiality of individuals and is otherwise permissible by law—

(1) demographic data on each element of the workforce of the Department during the 5-year period ending on the date of the enactment of this Act, disaggregated by rank and grade or grade-equivalent, with respect to—

(A) individuals hired to join the workforce;

(B) individuals promoted, including promotions to and within the Senior Executive Service or the Senior Foreign Service;

(C) individuals serving as special assistants in any of the offices of the Secretary of State, the Deputy Secretary of State, the Counselor of the Department of State, the Secretary's Policy Planning Staff, the Under Secretary of State for Arms Control and International Security, the Under Secretary of State for Civilian Security, Democracy, and Human Rights, the Under Secretary of State for Economic Growth, Energy, and the Environment, the Under Secretary of State for Management, the Under Secretary of State for Political Affairs, and the Under Secretary of State for Public Diplomacy and Public Affairs;

(D) individuals serving in each bureau's front office;

(E) individuals serving as detailees to the National Security Council;

(F) individuals serving on applicable selection boards;

(G) members of any external advisory committee or board who are subject to appointment by individuals at senior positions in the Department;

(H) individuals participating in professional development programs of the Department and the extent to which such participants have been placed into senior positions within the Department after such participation;

(I) individuals participating in mentorship or retention programs; and

(J) individuals who separated from the agency, including individuals in the Senior Executive Service or the Senior Foreign Service;

(2) an assessment of agency compliance with the essential elements identified in Equal Employment Opportunity Commission Management Directive 715, effective October 1, 2003; and

(3) data on the overall number of individuals who are part of the workforce, the percentages of such workforce corresponding to each element specified in paragraph (1), and the percentages corresponding to each rank, grade, or grade equivalent.

(c) EFFECTIVENESS OF DEPARTMENT EFFORTS.—The report required under subsection (a) shall describe and assess the effectiveness of the efforts of the Department—

(1) to propagate fairness, impartiality, and inclusion in the work environment, both domestically and abroad;

(2) to enforce anti-harassment and anti-discrimination policies, both domestically and at posts overseas;

(3) to refrain from engaging in unlawful discrimination in any phase of the employment process, including recruitment, hiring, evaluation, assignments, promotion, retention, and training;

(4) to prevent retaliation against employees for participating in a protected equal employment opportunity activity or for reporting sexual harassment or sexual assault;

(5) to provide reasonable accommodation for qualified employees and applicants with disabilities; and

(6) to recruit a representative workforce by—

(A) recruiting women, persons with disabilities, and minorities;

(B) recruiting at women's colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(C) placing job advertisements in newspapers, magazines, and job sites oriented toward women and minorities;

(D) sponsoring and recruiting at job fairs in urban and rural communities and at landgrant colleges or universities;

(E) providing opportunities through the Foreign Service Internship Program under chapter 12 of the Foreign Service Act of 1980 (22 U.S.C. 4141 et seq.), and other hiring initiatives;

(F) recruiting mid-level and senior-level professionals through programs designed to increase representation in international affairs of people belonging to traditionally under-
represented groups;

(G) offering the Foreign Service written and oral assessment examinations in several locations throughout the United States or via online platforms to reduce the burden of applicants having to travel at their own expense to take either or both such examinations;

(H) expanding the use of paid internships; and

(I) supporting recruiting and hiring opportunities through—

(i) the Charles B. Rangel International Affairs Fellowship Program;

(ii) the Thomas R. Pickering Foreign Affairs Fellowship Program; and

(iii) other initiatives, including agency-wide policy initiatives.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the publication of the report required under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees, and make such report available on the Department's website, that includes, without compromising the confidentiality of individuals and to the extent otherwise consistent with law—

(A) disaggregated demographic data, to the maximum extent that collection of such data is permissible by law, relating to the workforce and information on the status of diversity and inclusion efforts of the Department;

(B) an analysis of applicant flow data, to the maximum extent that collection of such data is permissible by law; and

(C) disaggregated demographic data relating to participants in professional development programs of the Department and the rate of placement into senior positions for participants in such programs.

(2) COMBINATION WITH OTHER ANNUAL REPORT.—The report required under paragraph (1) may be combined with another annual report required by law, to the extent practicable.

SEC. 5403. CENTERS OF EXCELLENCE IN FOREIGN AFFAIRS AND ASSISTANCE.

(a) PURPOSE.—The purposes of this section are—

(1) to advance the values and interests of the United States overseas through programs that foster innovation, competitiveness, and a diversity of backgrounds, views, and experience in the formulation and implementation of United States foreign policy and assistance; and

(2) to create opportunities for specialized research, education, training, professional development, and leadership opportunities for individuals belonging to an underrepresented group within the Department and USAID.

(b) STUDY.—

(1) IN GENERAL.—The Secretary and the Administrator of USAID shall conduct a study on the feasibility of establishing Centers of Excellence in Foreign Affairs and Assistance (referred to in this section as the ''Centers of Excellence'') within institutions that serve individuals belonging to an underrepresented group to focus on 1 or more of the areas described in paragraph (2).

(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary and the Administrator, respectively, shall consider—

(A) opportunities to enter into public-private partnerships that will—

(i) increase diversity in foreign affairs and foreign assistance Federal careers;

(ii) prepare a diverse cadre of students (including nontraditional, mid-career, part-time, and heritage students) and nonprofit or business professionals with the skills and education needed to meaningfully contribute to the formulation and execution of United States foreign policy and assistance;

(iii) support the conduct of research, education, and extension programs that reflect diverse perspectives and a wide range of views of world regions and international affairs—

(I) to assist in the development of regional and functional foreign policy skills;

(II) to strengthen international development and humanitarian assistance programs; and

(III) to strengthen democratic institutions and processes in policymaking, including supporting public policies that engender equitable and inclusive societies and focus on challenges and inequalities in education, health, wealth, justice, and other sectors faced by diverse communities;

(iv) enable domestic and international educational, internship, fellowship, faculty exchange, training, employment or other innovative programs to acquire or strengthen knowledge of foreign languages, cultures, societies, and international skills and perspectives;

(v) support collaboration among institutions of higher education, including community colleges, nonprofit organizations, and corporations, to strengthen the engagement between experts and specialists in the foreign affairs and foreign assistance fields; and

(vi) leverage additional public-private partnerships with nonprofit organizations, foundations, corporations, institutions of higher education, and the Federal Government; and

(B) budget and staffing requirements, including appropriate sources of funding, for the establishment and conduct of operations of such Centers of Excellence.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains the findings of the study conducted pursuant to subsection (b).

SEC. 5404. INSTITUTE FOR TRANSATLANTIC ENGAGEMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary is authorized to establish the Institute for Transatlantic Engagement (referred to in this section as the ''Institute'').

(b) PURPOSE.—The purpose of the Institute shall be to strengthen national security by highlighting, to a geographically diverse set of populations from the United States, Canada, and European nations, the importance of the transatlantic relationship and the threats posed by adversarial countries, such as the Russian Federation and the People's Republic of China, to democracy, free-market economic principles, and human rights, with the aim that lessons learned from the Institute will be shared across the United States and Europe.

(c) DIRECTOR.—The Institute shall be headed by a Director, who shall have expertise in transatlantic relations and diverse populations in the United States and Europe.

(d) SCOPE AND ACTIVITIES.—The Institute shall—

(1) strengthen knowledge of the formation and implementation of transatlantic policies critical to national security, including the threats posed by the Russian Federation and the People's Republic of China;

(2) increase awareness of the roles of government and nongovernmental actors, such as multilateral organizations, businesses, civil society actors, academia, think tanks, and philanthropic institutions, in transatlantic policy development and execution;

(3) increase understanding of the manner in which diverse backgrounds and perspectives affect the development of transatlantic policies;

(4) enhance the skills, abilities, and effectiveness of government officials at national and international levels;

(5) increase awareness of the importance of, and interest in, international public service careers;

(6) annually invite not fewer than 30 individuals to participate in programs of the Institute;

(7) not less than 3 times annually, convene representatives of the Government of the United States, the Government of Canada, and of governments of European nations for a program offered by the Institute that is not less than 2 days in duration; and

(8) develop metrics to track the success and efficacy of the program.

(e) ELIGIBILITY TO PARTICIPATE.—Participants in the programs of the Institute shall include elected government officials—

(1) serving at national, regional, or local levels in the United States, Canada, and European nations; and

(2) who represent geographically diverse backgrounds or constituencies in the United States, Canada, and Europe.

(f) SELECTION OF PARTICIPANTS.—

(1) UNITED STATES PARTICIPANTS.—Participants from the United States shall be appointed in an equally divided manner by—

(A) the chairpersons and ranking members of the appropriate congressional committees;

(B) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives; and

(C) the Majority Leader of the Senate and the Minority Leader of the Senate.

(2) EUROPEAN AND CANADIAN PARTICIPANTS.—Participants from Europe and Canada shall be appointed by the Secretary, in consultation with—

(A) the chairpersons and ranking members of the appropriate congressional committees;

(B) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives; and

(C) the Majority Leader of the Senate and the Minority Leader of the Senate.

(g) RESTRICTIONS.—

(1) UNPAID PARTICIPATION.—Participants in the Institute may not be paid a salary for such participation.

(2) REIMBURSEMENT.—The Institute may pay or reimburse participants for reasonable travel, lodging, and food in connection with participation in the program.

(3) TRAVEL.—No funds authorized to be appropriated under subsection (h) may be used for travel for Members of Congress to participate in Institute activities.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $750,000 for fiscal year 2023 to carry out this section.

SEC. 5405. RULE OF CONSTRUCTION.

Nothing in this division may be construed as altering existing law regarding merit system principles.

TITLE LV—INFORMATION SECURITY AND CYBER DIPLOMACY

SEC. 5501. UNITED STATES INTERNATIONAL CYBERSPACE POLICY.

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

(1) to work internationally to promote an open, interoperable, reliable, and secure internet governed by the multi-stakeholder model, which—

(A) promotes democracy, the rule of law, and human rights, including freedom of expression;

(B) supports the ability to innovate, communicate, and promote economic prosperity; and

(C) is designed to protect privacy and guard against deception, malign influence, incitement to violence, harassment and abuse, fraud, and theft;

(2) to encourage and aid United States allies and partners in improving their own technological capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressure; and

(3) in furtherance of the efforts described in paragraphs (1) and (2)—

(A) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;

(B) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies and regulations; and

(C) to enhance United States leadership in technical standards-setting bodies and avenues for developing norms regarding the use of digital tools.

(b) IMPLEMENTATION.—In implementing the policy described in subsection (a), the President, in consultation with outside actors, as appropriate, including private sector companies, nongovernmental organizations, security researchers, and other relevant stakeholders, in the conduct of bilateral and multilateral relations, shall strive—

(1) to clarify the applicability of international laws and norms to the use of information and communications technology (referred to in this subsection as ''ICT'');

(2) to reduce and limit the risk of escalation and retaliation in cyberspace, damage to critical infrastructure, and other malicious cyber activity that impairs the use and operation of critical infrastructure that provides services to the public;

(3) to cooperate with like-minded countries that share common values and cyberspace policies with the United States, including respect for human rights, democracy, and the rule of law, to advance such values and policies internationally;

(4) to encourage the responsible development of new, innovative technologies and ICT products that strengthen a secure internet architecture that is accessible to all;

(5) to secure and implement commitments on responsible country behavior in cyberspace, including commitments by countries—

(A) not to conduct, or knowingly support, cyber-enabled theft of intellectual property, including trade secrets or other confidential business information, with the intent of providing competitive advantages to companies or commercial sectors;

(B) to take all appropriate and reasonable efforts to keep their territories clear of intentionally wrongful acts using ICT in violation of international commitments;

(C) not to conduct or knowingly support ICT activity that intentionally damages or otherwise impairs the use and operation of critical infrastructure providing services to the public, in violation of international law;

(D) to take appropriate measures to protect the country's critical infrastructure from ICT threats;

(E) not to conduct or knowingly support malicious international activity that harms the information systems of authorized international emergency response teams (also known as ''computer emergency response teams'' or ''cybersecurity incident response teams'') of another country or authorize emergency response teams to engage in malicious international activity, in violation of international law;

(F) to respond to appropriate requests for assistance to mitigate malicious ICT activity emanating from their territory and aimed at the critical infrastructure of another country;

(G) to not restrict cross-border data flows or require local storage or processing of data; and

(H) to protect the exercise of human rights and fundamental freedoms on the internet, while recognizing that the human rights that people have offline also need to be protected online; and

(6) to advance, encourage, and support the development and adoption of internationally recognized technical standards and best practices.

SEC. 5502. BUREAU OF CYBERSPACE AND DIGITAL POLICY.

(a) IN GENERAL.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), is amended—

(1) by redesignating subsections (i) and (j) as subsection (j) and (k), respectively;

(2) by redesignating subsection (h) (as added by section 361(a)(1) of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260)) as subsection (l); and

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

''(i) BUREAU OF CYBERSPACE AND DIGITAL POLICY.—

''(1) IN GENERAL.—There is established, within the Department of State, the Bureau of Cyberspace and Digital Policy (referred to in this subsection as the 'Bureau'). The head of the Bureau shall have the rank and status of ambassador and shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) DUTIES.—

''(A) IN GENERAL.—The head of the Bureau shall perform such duties and exercise such powers as the Secretary of State shall prescribe, including implementing the diplomatic and foreign policy aspects of the policy described in section 5501(a) of the Department of State Authorization Act of 2022.

''(B) DUTIES DESCRIBED.—The principal duties and responsibilities of the head of the Bureau shall, in furtherance of the diplomatic and foreign policy mission of the Department, be—

''(i) to serve as the principal cyberspace policy official within the senior management of the Department of State and as the advisor to the Secretary of State for cyberspace and digital issues;

''(ii) to lead, coordinate, and execute, in coordination with other relevant bureaus and offices, the Department of State's diplomatic cyberspace, and cybersecurity efforts (including efforts related to data privacy, data flows, internet governance, information and communications technology standards, and other issues that the Secretary has assigned to the Bureau);

''(iii) to coordinate with relevant Federal agencies and the Office of the National Cyber Director to ensure the diplomatic and foreign policy aspects of the cyber strategy in section 5501 of the Department of State Authorization Act of 2022 and any other subsequent strategy are implemented in a manner that is fully integrated with the broader strategy;

''(iv) to promote an open, interoperable, reliable, and secure information and communications technology infrastructure globally;

''(v) to represent the Secretary of State in interagency efforts to develop and advance Federal Government cyber priorities and activities, including efforts to develop credible national capabilities, strategies, and policies to deter and counter cyber adversaries, and carry out the purposes of title V of the Department of State Authorization Act of 2022;

''(vi) to engage civil society, the private sector, academia, and other public and private entities on relevant international cyberspace and international information and communications technology issues;

''(vii) to support United States Government efforts to uphold and further develop global deterrence frameworks for malicious cyber activity;

''(viii) to advise the Secretary of State and coordinate with foreign governments regarding responses to national security-level cyber incidents, including coordination on diplomatic response efforts to support allies and partners threatened by malicious cyber activity, in conjunction with members of the North Atlantic Treaty Organization and like-minded countries;

''(ix) to promote the building of foreign capacity relating to cyberspace policy priorities;

''(x) to promote an open, interoperable, reliable, and secure information and communications technology infrastructure globally and an open, interoperable, secure, and reliable internet governed by the multi-stakeholder model;

''(xi) to promote an international regulatory environment for technology investments and the internet that benefits United States economic and national security interests;

''(xii) to promote cross-border flow of data and combat international initiatives seeking to impose unreasonable requirements on United States businesses;

''(xiii) to promote international policies to protect the integrity of United States and international telecommunications infrastructure from foreign-based threats, including cyber-enabled threats;

''(xiv) to lead engagement, in coordination with relevant executive branch agencies, with foreign governments on relevant international cyberspace, cybersecurity, cybercrime, and digital economy issues described in title V of the Department of State Authorization Act of 2022;

''(xv) to promote international policies to secure radio frequency spectrum in the best interests of the United States;

''(xvi) to promote and protect the exercise of human rights, including freedom of speech and religion, through the internet;

''(xvii) to build capacity of United States diplomatic officials to engage on cyberspace issues;

''(xviii) to encourage the development and adoption by foreign countries of internationally recognized standards, policies, and best practices;

''(xix) to support efforts by the Global Engagement Center to counter cyber-enabled information operations against the United States or its allies and partners; and

''(xx) to conduct such other matters as the Secretary of State may assign.

''(3) QUALIFICATIONS.—The head of the Bureau should be an individual of demonstrated competency in the fields of—

''(A) cybersecurity and other relevant cyberspace and information and communications technology policy issues; and

''(B) international diplomacy.

''(4) ORGANIZATIONAL PLACEMENT.—

''(A) INITIAL PLACEMENT.—Except as provided in subparagraph (B), the head of the Bureau shall report to the Deputy Secretary of State.

''(B) SUBSEQUENT PLACEMENT.—The head of the Bureau may report to an Under Secretary of State or to an official holding a higher position than Under Secretary if, not later than 15 days before any change in such reporting structure, the Secretary of State—

''(i) consults with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

''(ii) submits a report to such committees that—

''(I) indicates that the Secretary, with respect to the reporting structure of the Bureau, has consulted with and solicited feedback from—

''(aa) other relevant Federal entities with a role in international aspects of cyber policy; and

''(bb) the elements of the Department of State with responsibility for aspects of cyber policy, including the elements reporting to—

''(AA) the Under Secretary of State for Political Affairs;

''(BB) the Under Secretary of State for Civilian Security, Democracy, and Human Rights;

''(CC) the Under Secretary of State for Economic Growth, Energy, and the Environment;

''(DD) the Under Secretary of State for Arms Control and International Security Affairs;

''(EE) the Under Secretary of State for Management; and

''(FF) the Under Secretary of State for Public Diplomacy and Public Affairs;

''(II) describes the new reporting structure for the head of the Bureau and the justification for such new structure; and

''(III) includes a plan describing how the new reporting structure will better enable the head of the Bureau to carry out the duties described in paragraph (2), including the security, economic, and human rights aspects of cyber diplomacy.

''(5) SPECIAL HIRING AUTHORITIES.—The Secretary of State may—

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

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

''(6) COORDINATION.—In implementing the duties prescribed under paragraph (2), the head of the Bureau shall coordinate with the heads of such Federal agencies as the National Cyber Director deems appropriate.

''(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed—

''(A) to preclude the head of the Bureau from being designated as an Assistant Secretary, if such an Assistant Secretary position does not increase the number of Assistant Secretary positions at the Department above the number authorized under subsection (c)(1); or

''(B) to alter or modify the existing authorities of any other Federal agency or official.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Bureau established under section 1(i) of the State Department Basic Authorities Act of 1956, as added by subsection (a), should have a diverse workforce composed of qualified individuals, including individuals belonging to an underrepresented group.

(c) UNITED NATIONS.—The Permanent Representative of the United States to the United Nations should use the voice, vote, and influence of the United States to oppose any measure that is inconsistent with the policy described in section 5501(a).

SEC. 5503. INTERNATIONAL CYBERSPACE AND DIGITAL POLICY STRATEGY.

(a) STRATEGY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the President, acting through the Secretary, and in coordination with the heads of other relevant Federal departments and agencies, shall develop an international cyberspace and digital policy strategy.

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

(1) a review of actions and activities undertaken to support the policy described in section 5501(a);

(2) a plan of action to guide the diplomacy of the Department with regard to foreign countries, including—

(A) conducting bilateral and multilateral activities—

(i) to develop and support the implementation of norms of responsible country behavior in cyberspace consistent with the objectives specified in section 5501(b)(5);

(ii) to reduce the frequency and severity of cyberattacks on United States individuals, businesses, governmental agencies, and other organizations;

(iii) to reduce cybersecurity risks to United States and allied critical infrastructure;

(iv) to improve 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; and

(v) to share best practices and advance proposals to strengthen civilian and private sector resiliency to threats and access to opportunities in cyberspace; and

(B) reviewing the status of existing efforts in relevant multilateral fora, as appropriate, to obtain commitments on international norms regarding cyberspace;

(3) a review of alternative concepts for international norms regarding cyberspace offered by foreign countries;

(4) a detailed description, in consultation with the Office of the National Cyber Director and relevant Federal agencies, of new and evolving threats regarding cyberspace from foreign adversaries, state-sponsored actors, and non-state actors to—

(A) United States national security;

(B) the Federal and private sector cyberspace infrastructure of the United States;

(C) intellectual property in the United States; and

(D) the privacy and security of citizens of the United States;

(5) a review of the policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private actors regarding—

(A) threats in cyberspace;

(B) the degree to which such tools have been used; and

(C) whether such tools have been effective deterrents;

(6) a review of resources required to conduct activities to build responsible norms of international cyber behavior;

(7) a review, in coordination with the Office of the National Cyber Director and the Office of Management and Budget, to determine whether the budgetary resources, technical expertise, legal authorities, and personnel available to the Department are adequate to achieve the actions and activities undertaken by the Department to support the policy described in section 5501(a);

(8) a review to determine whether the Department is properly organized and coordinated with other Federal agencies to achieve the objectives described in section 5501(b); and

(9) a plan of action, developed in consultation with relevant Federal departments and agencies as the President may direct, to guide the diplomacy of the Department with respect to the inclusion of cyber issues in mutual defense agreements.

(c) FORM OF STRATEGY.—

(1) PUBLIC AVAILABILITY.—The strategy required under subsection (a) shall be available to the public in unclassified form, including through publication in the Federal Register.

(2) CLASSIFIED ANNEX.—The strategy required under subsection (a) may include a classified annex.

(d) BRIEFING.—Not later than 30 days after the completion of the strategy required under subsection (a), the Secretary shall brief the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Armed Services of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Armed Services of the House of Representatives regarding the strategy, including any material contained in a classified annex.

(e) UPDATES.—The strategy required under subsection (a) shall be updated—

(1) not later than 90 days after any material change to United States policy described in such strategy; and

(2) not later than 1 year after the inauguration of each new President.

SEC. 5504. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON CYBER DIPLOMACY.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report and provide a briefing to the appropriate congressional committees that includes—

(1) an assessment of the extent to which United States diplomatic processes and other efforts with foreign countries, including through multilateral fora, bilateral engagements, and negotiated cyberspace agreements, advance the full range of United States interests regarding cyberspace, including the policy described in section 5501(a);

(2) an assessment of the Department's organizational structure and approach to managing its diplomatic efforts to advance the full range of United States interests regarding cyberspace, including a review of—

(A) the establishment of a Bureau within the Department to lead the Department's international cyber mission;

(B) the current or proposed diplomatic mission, structure, staffing, funding, and activities of such Bureau;

(C) how the establishment of such Bureau has impacted or is likely to impact the structure and organization of the Department; and

(D) what challenges, if any, the Department has faced or will face in establishing such Bureau; and

(3) any other matters that the Comptroller General determines to be relevant.

SEC. 5505. REPORT ON DIPLOMATIC PROGRAMS TO DETECT AND RESPOND TO CYBER THREATS AGAINST ALLIES AND PARTNERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of other relevant Federal agencies, shall submit a report to the appropriate congressional committees that assesses the capabilities of the Department to provide civilian-led support for acute cyber incident response in ally and partner countries that includes—

(1) a description and assessment of the Department's coordination with cyber programs and operations of the Department of Defense and the Department of Homeland Security;

(2) recommendations on how to improve coordination and executive of Department involvement in programs or operations to support allies and partners in responding to acute cyber incidents; and

(3) the budgetary resources, technical expertise, legal authorities, and personnel needed for the Department to formulate and implement the programs described in this section.

SEC. 5506. CYBERSECURITY RECRUITMENT AND RETENTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that improving computer programming language proficiency will improve—

(1) the cybersecurity effectiveness of the Department; and

(2) the ability of foreign service officers to engage with foreign audiences on cybersecurity matters.

(b) TECHNOLOGY TALENT ACQUISITION.—

(1) ESTABLISHMENT.—The Secretary shall establish positions within the Bureau of Global Talent Management that are solely dedicated to the recruitment and retention of Department personnel with backgrounds in cybersecurity, engineering, data science, application development, artificial intelligence, critical and emerging technology, and technology and digital policy.

(2) GOALS.—The goals of the positions described in paragraph (1) shall be—

(A) to fulfill the critical need of the Department to recruit and retain employees for cybersecurity, digital, and technology positions;

(B) to actively recruit relevant candidates from academic institutions, the private sector, and related industries;

(C) to work with the Office of Personnel Management and the United States Digital Service to develop and implement best strategies for recruiting and retaining technology talent; and

(D) to inform and train supervisors at the Department on the use of the authorities listed in subsection (c)(1).

(3) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a plan to the appropriate congressional committees that describes how the objectives and goals set forth in paragraphs (1) and (2) will be implemented.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for each of the fiscal years 2023 through 2027 to carry out this subsection.

(c) ANNUAL REPORT ON HIRING AUTHORITIES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) a list of the hiring authorities available to the Department to recruit and retain personnel with backgrounds in cybersecurity, engineering, data science, application development, artificial intelligence, critical and emerging technology, and technology and digital policy;

(2) a list of which hiring authorities described in paragraph (1) have been used during the previous 5 years;

(3) the number of employees in qualified positions hired, aggregated by position and grade level or pay band;

(4) the number of employees who have been placed in qualified positions, aggregated by bureau and offices within the Department;

(5) the rate of attrition of individuals who begin the hiring process and do not complete the process and a description of the reasons for such attrition;

(6) the number of individuals who are interviewed by subject matter experts and the number of individuals who are not interviewed by subject matter experts; and

(7) recommendations for—

(A) reducing the attrition rate referred to in paragraph (5) by 5 percent each year;

(B) additional hiring authorities needed to acquire needed technology talent;

(C) hiring personnel to hold public trust positions until such personnel can obtain the necessary security clearance; and

(D) informing and training supervisors within the Department on the use of the authorities listed in paragraph (1).

(d) INCENTIVE PAY FOR CYBERSECURITY PROFESSIONALS.—To increase the number of qualified candidates available to fulfill the cybersecurity needs of the Department, the Secretary shall—

(1) include computer programming languages within the Recruitment Language Program; and

(2) provide appropriate language incentive pay.

(e) 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 shall provide a list to the appropriate congressional committees that identifies—

(1) the computer programming languages included within the Recruitment Language Program and the language incentive pay rate; and

(2) the number of individuals benefitting from the inclusion of such computer programming languages in the Recruitment Language Program and language incentive pay.

SEC. 5507. SHORT COURSE ON EMERGING TECHNOLOGIES FOR SENIOR OFFICIALS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and begin providing, for senior officials of the Department, a course addressing how the most recent and relevant technologies affect the activities of the Department.

(b) THROUGHPUT OBJECTIVES.—The Secretary should ensure that—

(1) during the first year that the course developed pursuant to subsection (a) is offered, not fewer than 20 percent of senior officials are certified as having passed such course; and

(2) in each subsequent year, until the date on which 80 percent of senior officials are certified as having passed such course, an additional 10 percent of senior officials are certified as having passed such course.

SEC. 5508. ESTABLISHMENT AND EXPANSION OF REGIONAL TECHNOLOGY OFFICER PROGRAM.

(a) REGIONAL TECHNOLOGY OFFICER PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a program, which shall be known as the ''Regional Technology Officer Program'' (referred to in this section as the ''Program'').

(2) GOALS.—The goals of the Program shall include the following:

(A) Promoting United States leadership in technology abroad.

(B) Working with partners to increase the deployment of critical and emerging technology in support of democratic values.

(C) Shaping diplomatic agreements in regional and international fora with respect to critical and emerging technologies.

(D) Building diplomatic capacity for handling critical and emerging technology issues.

(E) Facilitating the role of critical and emerging technology in advancing the foreign policy objectives of the United States through engagement with research labs, incubators, and venture capitalists.

(F) Maintaining the advantages of the United States with respect to critical and emerging technologies.

(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit an implementation plan to the appropriate congressional committees that outlines strategies for—

(1) advancing the goals described in subsection (a)(2);

(2) hiring Regional Technology Officers and increasing the competitiveness of the Program within the Foreign Service bidding process;

(3) expanding the Program to include a minimum of 15 Regional Technology Officers; and

(4) assigning not fewer than 2 Regional Technology Officers to posts within—

(A) each regional bureau of the Department; and

(B) the Bureau of International Organization Affairs.

(c) ANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall brief the appropriate congressional committees regarding the status of the implementation plan required under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $25,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.

SEC. 5509. VULNERABILITY DISCLOSURE POLICY AND BUG BOUNTY PROGRAM REPORT.

(a) DEFINITIONS.—In this section:

(1) BUG BOUNTY PROGRAM.—The term ''bug bounty program'' means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of internet-facing information technology of the Department in exchange for compensation.

(2) INFORMATION TECHNOLOGY.—The term ''information technology'' has the meaning given such term in section 11101 of title 40, United States Code.

(b) VULNERABILITY DISCLOSURE POLICY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall design, establish, and make publicly known a Vulnerability Disclosure Policy (referred to in this section as the ''VDP'') to improve Department cybersecurity by—

(A) creating Department policy and infrastructure to receive reports of and remediate discovered vulnerabilities in line with existing policies of the Office of Management and Budget and the Department of Homeland Security Binding Operational Directive 20–01 or any subsequent directive; and

(B) providing a report on such policy and infrastructure to Congress.

(2) ANNUAL REPORTS.—Not later than 180 days after the establishment of the VDP pursuant to paragraph (1), and annually thereafter for the following 5 years, the Secretary shall submit a report on the VDP to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives that includes information relating to—

(A) the number and severity of all security vulnerabilities reported;

(B) the number of previously unidentified security vulnerabilities remediated as a result;

(C) the current number of outstanding previously unidentified security vulnerabilities and Department of State remediation plans;

(D) the average time between the reporting of security vulnerabilities and remediation of such vulnerabilities;

(E) the resources, surge staffing, roles, and responsibilities within the Department used to implement the VDP and complete security vulnerability remediation;

(F) how the VDP identified vulnerabilities are incorporated into existing Department vulnerability prioritization and management processes;

(G) any challenges in implementing the VDP and plans for expansion or contraction in the scope of the VDP across Department information systems; and

(H) any other topic that the Secretary determines to be relevant.

(c) BUG BOUNTY PROGRAM REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to Congress that describes any ongoing efforts by the Department or a third-party vendor under contract with the Department to establish or carry out a bug bounty program that identifies security vulnerabilities of internet-facing information technology of the Department.

(2) REPORT.—Not later than 180 days after the date on which any bug bounty program is established, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security of the House of Representatives regarding such program, including information relating to—

(A) the number of approved individuals, organizations, or companies involved in such program, disaggregated by the number of approved individuals, organizations, or companies that—

(i) registered;

(ii) were approved;

(iii) submitted security vulnerabilities; and

(iv) received compensation;

(B) the number and severity of all security vulnerabilities reported as part of such program;

(C) the number of previously unidentified security vulnerabilities remediated as a result of such program;

(D) the current number of outstanding previously unidentified security vulnerabilities and Department remediation plans for such outstanding vulnerabilities;

(E) the average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities;

(F) the types of compensation provided under such program;

(G) the lessons learned from such program;

(H) the public accessibility of contact information for the Department regarding the bug bounty program;

(I) the incorporation of bug bounty program identified vulnerabilities into existing Department vulnerability prioritization and management processes; and

(J) any challenges in implementing the bug bounty program and plans for expansion or contraction in the scope of the bug bounty program across Department information systems.

TITLE LVI—PUBLIC DIPLOMACY

SEC. 5601. UNITED STATES PARTICIPATION IN INTERNATIONAL FAIRS AND EXPOSITIONS.

(a) IN GENERAL.—Notwithstanding section 204 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2452b), and subject to subsection (b), amounts available under title I of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117–103), or under prior such Acts, may be made available to pay for expenses related to United States participation in international fairs and expositions abroad, including for construction and operation of pavilions or other major exhibits.

(b) LIMITATION ON SOLICITATION OF FUNDS.—Senior employees of the Department, in their official capacity, may not solicit funds to pay expenses for a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated up to $20,000,000 to the Department for United States participation in international fairs and expositions abroad, including for construction and operation of pavilions or other major exhibits.

SEC. 5602. PRESS FREEDOM CURRICULUM.

The Secretary shall ensure that there is 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—

(1) the historic and current issues facing press freedom, including countries of specific concern;

(2) the Department's role in promoting press freedom as an American value, a human rights issue, and a national security imperative;

(3) ways to incorporate press freedom promotion into other aspects of diplomacy; and

(4) 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.

SEC. 5603. GLOBAL ENGAGEMENT CENTER.

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

(b) HIRING AUTHORITY FOR GLOBAL ENGAGEMENT CENTER.—Notwithstanding any other provision of law, the Secretary, during the 5-year period beginning on the date of the enactment of this Act and solely to carry out the functions of the Global Engagement Center described in section 1287(b) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note), may—

(1) appoint employees without regard to appointment in the competitive service; and

(2) fix the basic compensation of such employees regarding classification and General Schedule pay rates.

SEC. 5604. UNDER SECRETARY FOR PUBLIC DIPLOMACY.

Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) 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) coordinate the allocation and management of the financial and human resources for public diplomacy, including for—

''(i) the Bureau of Educational and Cultural Affairs;

''(ii) the Bureau of Global Public Affairs;

''(iii) the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs;

''(iv) the Global Engagement Center; and

''(v) the public diplomacy functions within the regional and functional bureaus.''.

TITLE LVII—OTHER MATTERS

SEC. 5701. SUPPORTING THE EMPLOYMENT OF UNITED STATES CITIZENS BY INTERNATIONAL ORGANIZATIONS.

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

(1) the Department should continue to eliminate the unreasonable barriers United States nationals face to obtain employment in the United Nations Secretariat, funds, programs, and agencies; and

(2) the Department should bolster efforts to increase the number of qualified United States nationals who are candidates for leadership and oversight positions in the United Nations system, agencies, and commissions, and in other international organizations.

(b) IN GENERAL.—The Secretary is authorized to promote the employment and advancement of United States citizens by international organizations and bodies, including by—

(1) providing stipends, consultation, and analytical services to support United States citizen applicants; and

(2) making grants for the purposes described in paragraph (1).

(c) USING DIPLOMATIC PROGRAMS FUNDING TO PROMOTE THE EMPLOYMENT OF UNITED STATES CITIZENS BY INTERNATIONAL ORGANIZATIONS.—Amounts appropriated under the heading ''DIPLOMATIC PROGRAMS'' in Acts making appropriations for the Department of State, Foreign Operations, and Related Programs are authorized to be appropriated for grants, programs, and activities described in subsection (b).

(d) STRATEGY TO ESTABLISH JUNIOR PROFESSIONAL PROGRAM.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and other relevant cabinet members, shall publish a strategy for encouraging United States citizens to pursue careers with international organizations, particularly organizations that—

(A) set international scientific, technical, or commercial standards; or

(B) are involved in international finance and development.

(2) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and other relevant cabinet members, shall submit a report to the appropriate congressional committees that identifies—

(A) the number of United States citizens who are involved in relevant junior professional programs in an international organization;

(B) the distribution of individuals described in subparagraph (A) among various international organizations; and

(C) the types of predeployment training that are available to United States citizens through a junior professional program at an international organization.

SEC. 5702. INCREASING HOUSING AVAILABILITY FOR CERTAIN EMPLOYEES ASSIGNED TO THE UNITED STATES MISSION TO THE UNITED NATIONS.

Section 9(2) of the United Nations Participation Act of 1945 (22 U.S.C. 287e–1(2)), is amended by striking ''30'' and inserting ''41''.

SEC. 5703. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following:

''SEC. 12. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.

''None of the funds authorized to be appropriated or otherwise made available to pay assessed and other expenses of international peacekeeping activities under this Act may be made available for an international peacekeeping operation that has not been expressly authorized by the United Nations Security Council.''.

SEC. 5704. BOARDS OF RADIO FREE EUROPE/RADIO LIBERTY, RADIO FREE ASIA, THE MIDDLE EAST BROADCASTING NETWORKS, AND THE OPEN TECHNOLOGY FUND.

The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 306 (22 U.S.C. 6205) the following:

''SEC. 307. GRANTEE CORPORATE BOARDS OF DIRECTORS.

''(a) IN GENERAL.—The corporate board of directors of each grantee under this title—

''(1) shall be bipartisan;

''(2) shall, except as otherwise provided in this Act, have the sole responsibility to operate their respective grantees within the jurisdiction of their respective States of incorporation;

''(3) shall be composed of not fewer than 5 members, who shall be qualified individuals who are not employed in the public sector; and

''(4) shall appoint successors in the event of vacancies on their respective boards, in accordance with applicable bylaws.

''(b) NOT FEDERAL EMPLOYEES.—No employee of any grantee under this title may be a Federal employee.''.

SEC. 5705. BROADCASTING ENTITIES NO LONGER REQUIRED TO CONSOLIDATE INTO A SINGLE PRIVATE, NONPROFIT CORPORATION.

Section 310 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6209) is repealed.

SEC. 5706. INTERNATIONAL BROADCASTING ACTIVITIES.

Section 305(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amended—

(1) by striking paragraph (20);

(2) by redesignating paragraphs (21), (22), and (23) as paragraphs (20), (21), and (22), respectively; and

(3) in paragraph (20), as redesignated, by striking ''or between grantees,''.

SEC. 5707. GLOBAL INTERNET FREEDOM.

(a) STATEMENT OF POLICY.—It is the policy of the United States to promote internet freedom through programs of the Department and USAID that preserve and expand the internet as an open, global space for freedom of expression and association, which shall be prioritized for countries—

(1) whose governments restrict freedom of expression on the internet; and

(2) that are important to the national interest of the United States.

(b) PURPOSE AND COORDINATION WITH OTHER PROGRAMS.—Global internet freedom programming under this section—

(1) shall be coordinated with other United States foreign assistance programs that promote democracy and support the efforts of civil society—

(A) to counter the development of repressive internet-related laws and regulations, including countering threats to internet freedom at international organizations;

(B) to combat violence against bloggers and other civil society activists who utilize the internet; and

(C) to enhance digital security training and capacity building for democracy activists;

(2) shall seek to assist efforts—

(A) to research key threats to internet freedom;

(B) to continue the development of technologies that provide or enhance access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used by authoritarian governments; and

(C) to maintain the technological advantage of the Federal Government over the censorship techniques described in subparagraph (B); and

(3) shall be incorporated into country assistance and democracy promotion strategies, as appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2023—

(1) $75,000,000 to the Department and USAID, to continue efforts to promote internet freedom globally, and shall be matched, to the maximum extent practicable, by sources other than the Federal Government, including the private sector; and

(2) $49,000,000 to the United States Agency for Global Media (referred to in this section as the ''USAGM'') and its grantees, for internet freedom and circumvention technologies that are designed—

(A) for open-source tools and techniques to securely develop and distribute digital content produced by the USAGM and its grantees;

(B) to facilitate audience access to such digital content on websites that are censored;

(C) to coordinate the distribution of such digital content to targeted regional audiences; and

(D) to promote and distribute such tools and techniques, including digital security techniques.

(d) UNITED STATES AGENCY FOR GLOBAL MEDIA ACTIVITIES.—

(1) ANNUAL CERTIFICATION.—For any new tools or techniques authorized under subsection (c)(2), the Chief Executive Officer of the USAGM, in consultation with the President of the Open Technology Fund (referred to in this subsection as the ''OTF'') and relevant Federal departments and agencies, shall submit an annual certification to the appropriate congressional committees that verifies they—

(A) have evaluated the risks and benefits of such new tools or techniques; and

(B) have established safeguards to minimize the use of such new tools or techniques for illicit purposes.

(2) INFORMATION SHARING.—The Secretary may not direct programs or policy of the USAGM or the OTF, but may share any research and development with relevant Federal departments and agencies for the exclusive purposes of—

(A) sharing information, technologies, and best practices; and

(B) assessing the effectiveness of such technologies.

(3) UNITED STATES AGENCY FOR GLOBAL MEDIA.—The Chief Executive Officer of the USAGM, in consultation with the President of the OTF, shall—

(A) coordinate international broadcasting programs and incorporate such programs into country broadcasting strategies, as appropriate;

(B) solicit project proposals through an open, transparent, and competitive application process, including by seeking input from technical and subject matter experts; and

(C) support internet circumvention tools and techniques for audiences in countries that are strategic priorities for the OTF, in accordance with USAGM's annual language service prioritization review.

(e) USAGM REPORT.—Not later than 120 days after the date of the enactment of this Act, the Chief Executive Office of the USAGM shall submit a report to the appropriate congressional committees that describes—

(1) as of the date of the report—

(A) the full scope of internet freedom programs within the USAGM, including—

(i) the efforts of the Office of Internet Freedom; and

(ii) the efforts of the Open Technology Fund;

(B) the capacity of internet censorship circumvention tools supported by the Office of Internet Freedom and grantees of the Open Technology Fund that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to the provision of the efforts described in clauses (i) and (ii) of subparagraph (A), including access to surge funding; and

(2) successful examples from the Office of Internet Freedom and Open Technology Fund involving—

(A) responding rapidly to internet shutdowns in closed societies; and

(B) ensuring uninterrupted circumvention services for USAGM entities to promote internet freedom within repressive regimes.

(f) JOINT REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary and the Administrator of USAID shall jointly submit a report, which may include a classified annex, to the appropriate congressional committees that describes—

(1) as of the date of the report—

(A) the full scope of internet freedom programs within the Department and USAID, including—

(i) Department circumvention efforts; and

(ii) USAID efforts to support internet infrastructure;

(B) the capacity of internet censorship circumvention tools supported by the Federal Government that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to provision of the efforts enumerated in clauses (i) and (ii) of subsection (e)(1)(A), including access to surge funding; and

(2) any new resources needed to provide the Federal Government with greater capacity to provide and boost internet access—

(A) to respond rapidly to internet shutdowns in closed societies; and

(B) to provide internet connectivity to foreign locations where the provision of additional internet access service would promote freedom from repressive regimes.

(g) SECURITY AUDITS.—Before providing any support for open source technologies

under this section, such technologies must undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner that is detrimental to the interest of the United States or to the interests of individuals and organizations benefitting from programs supported by such funding.

(h) SURGE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated, in addition to amounts otherwise made available for such purposes, up to$2,500,000 to support internet freedom programs in closed societies, including programs that—

(A) are carried out in crisis situations by vetted entities that are already engaged in internet freedom programs;

(B) involve circumvention tools; or

(C) increase the overseas bandwidth for companies that received Federal funding during the previous fiscal year.

(2) CERTIFICATION.—Amounts authorized to be appropriated pursuant to paragraph (1) may not be expended until the Secretary has certified to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives that the use of such funds is in the national interest of the United States.

(i) DEFINED TERM.—In this section, the term ''internet censorship circumvention tool'' means a software application or other tool that an individual can use to evade foreign government restrictions on internet access.

SEC. 5708. ARMS EXPORT CONTROL ACT ALIGNMENT WITH THE EXPORT CONTROL REFORM ACT.

Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended—

(1) by striking ''subsections (c), (d), (e), and (g) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act'' and inserting ''subsections (c) and (d) of section 1760 of the Export Control Reform Act of 2018 (50 U.S.C. 4819), and by subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(7), (c), and (h) of section 1761 of such Act (50 U.S.C. 4820)'';

(2) by striking ''11(c)(2)(B) of such Act'' and inserting ''1760(c)(2) of such Act (50 U.S.C. 4819(c)(2))'';

(3) by striking ''11(c) of the Export Administration Act of 1979'' and inserting ''section 1760(c) of the Export Control Reform Act of 2018 (50 U.S.C. 4819(c))''; and

(4) by striking ''$500,000'' and inserting ''the greater of $1,200,000 or the amount that is twice the value of the transaction that is the basis of the violation with respect to which the penalty is imposed.''.

SEC. 5709. INCREASING THE MAXIMUM ANNUAL LEASE PAYMENT AVAILABLE WITHOUT APPROVAL BY THE SECRETARY.

Section 10(a) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 301(a)), is amended by striking ''$50,000'' and inserting ''$100,000''.

SEC. 5710. REPORT ON UNITED STATES ACCESS TO CRITICAL MINERAL RESOURCES ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that details, with regard to the Department—

(1) diplomatic efforts to ensure United States access to critical minerals acquired from outside of the United States that are used to manufacture clean energy technologies; and

(2) collaboration with other parts of the Federal Government to build a robust supply chain for critical minerals necessary to manufacture clean energy technologies.

SEC. 5711. OVERSEAS UNITED STATES STRATEGIC INFRASTRUCTURE DEVELOPMENT PROJECTS.

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

(1) the One Belt, One Road Initiative (referred to in this section as ''OBOR'') exploits gaps in infrastructure in developing countries to advance the People's Republic of China's own foreign policy objectives;

(2) although OBOR may meet many countries' short-term strategic infrastructure needs, OBOR—

(A) frequently places countries in debt to the PRC;

(B) contributes to widespread corruption;

(C) often fails to maintain the infrastructure that is built; and

(D) rarely takes into account human rights, labor standards, or the environment; and

(3) the need to challenge OBOR represents a major national security concern for the United States, as the PRC's efforts to control markets and supply chains for strategic infrastructure projects, including critical and strategic minerals resource extraction, represent a grave national security threat.

(b) DEFINITIONS.—In this section:

(1) OBOR.—The term ''OBOR'' means the One Belt, One Road Initiative, a global infrastructure development strategy initiated by the Government of the People's Republic of China in 2013.

(2) PRC.—The term ''PRC'' means the People's Republic of China.

(c) ASSESSMENT OF IMPACT TO UNITED STATES NATIONAL SECURITY OF PRC INFRASTRUCTURE PROJECTS IN THE DEVELOPING WORLD.—

(1) IN GENERAL.—The Secretary, in coordination with the Administrator, shall enter into a contract with an independent research organization to prepare the report described in paragraph (2).

(2) REPORT ELEMENTS.—The report described in this paragraph shall—

(A) describe the nature and cost of OBOR investments, operation, and construction of strategic infrastructure projects, including logistics, refining, and processing industries and resource facilities, and critical and strategic mineral resource extraction projects, including an assessment of—

(i) the strategic benefits of such investments that are derived by the PRC and the host nation; and

(ii) the negative impacts of such investments to the host nation and to United States interests;

(B) describe the nature and total funding of United States' strategic infrastructure investments and construction, such as projects financed through initiatives such as Prosper Africa and the Millennium Challenge Corporation;

(C) assess the national security threats posed by the foreign infrastructure investment gap between China and the United States, including strategic infrastructure, such as ports, market access to, and the security of, critical and strategic minerals, digital and telecommunications infrastructure, threats to the supply chains, and general favorability towards the PRC and the United States among the populations of host countries;

(D) assess the opportunities and challenges for companies based in the United States and companies based in United States partner and allied countries to invest in foreign strategic infrastructure projects in countries where the PRC has focused these types of investments;

(E) identify challenges and opportunities for the United States Government and United States partners and allies to more directly finance and otherwise support foreign strategic infrastructure projects, including an assessment of the authorities and capabilities of United States agencies, departments, public-private partnerships, and international or multilateral organizations to support such projects without undermining United States domestic industries, such as domestic mineral deposits;

(F) include a feasibility study and options for United States Government agencies to undertake or increase support for United States businesses to support foreign, large-scale, strategic infrastructure projects, such as roads, power grids, and ports; and

(G) identify at least 5 strategic infrastructure projects, with one each in the Western Hemisphere, Africa, and Asia, that are needed, but have not yet been initiated.

(3) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a copy of the report prepared pursuant to this subsection to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 5712. PROVISION OF PARKING SERVICES AND RETENTION OF PARKING FEES.

The Secretary of State may—

(1) provide parking services, including electric vehicle charging and other parking services, in facilities operated by or for the Department; and

(2) charge fees for such services that may be deposited into the appropriate account of the Department, to remain available until expended for the purposes of such account.

SEC. 5713. DIPLOMATIC RECEPTION AREAS.

(a) DEFINED TERM.—In this section, the term ''reception areas'' has the meaning given such term in section 41(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2713(c)).

(b) IN GENERAL.—The Secretary may sell goods and services and use the proceeds of such sales for administration and related support of the reception areas consistent with section 41(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2713(a)).

(c) AMOUNTS COLLECTED.—Amounts collected pursuant to the authority provided under subsection (b) may be deposited into an account in the Treasury, to remain available until expended.

SEC. 5714. CONSULAR AND BORDER SECURITY PROGRAMS VISA SERVICES COST RECOVERY PROPOSAL.

Section 103(d) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1713) is amended by adding at the end the following: ''The amount of the machine-readable visa fee or surcharge under this subsection may also account for the cost of other consular services that are not otherwise subject to a fee or surcharge retained by the Department of State.''.

SEC. 5715. RETURN OF SUPPORTING DOCUMENTS FOR PASSPORT APPLICATIONS THROUGH UNITED STATES POSTAL SERVICE CERTIFIED MAIL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a procedure that provides, to any individual applying for a new United States passport or to renew the United States passport of the individual by mail, the option to have supporting documents for the application returned to the individual by the United States Postal Service through certified mail.

(b) COST.—

(1) RESPONSIBILITY.—The cost of returning supporting documents to an individual as described in subsection (a) shall be the responsibility of the individual.

(2) FEE.—The fee charged to the individual by the Secretary for returning supporting documents as described in subsection (a) shall be the sum of—

(A) the retail price charged by the United States Postal Service for the service; and

(B) the estimated cost of processing the return of the supporting documents.

(3) REPORT.—The Secretary shall submit a report to the appropriate congressional committees that—

(A) details the costs included in the processing fee described in paragraph (2); and

(B) includes an estimate of the average cost per request.

SEC. 5716. REPORT ON DISTRIBUTION OF PERSONNEL AND RESOURCES RELATED TO ORDERED DEPARTURES AND POST CLOSURES.

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 describes—

(1) how Department personnel and resources dedicated to Mission Afghanistan were reallocated following the closure of diplomatic posts in Afghanistan in August 2021; and

(2) the extent to which Department personnel and resources for Mission Iraq were reallocated following ordered departures for diplomatic posts in March 2020, and how such resources were reallocated.

SEC. 5717. ELIMINATION OF OBSOLETE REPORTS.

(a) CERTIFICATION OF EFFECTIVENESS OF THE AUSTRALIA GROUP.—Section 2(7) of Senate Resolution 75 (105th Congress) is amended by striking subparagraph (C).

(b) ACTIVITIES OF THE TALIBAN.—Section 7044(a)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116–260) is amended by striking ''the following purposes—'' and all that follows through ''(B)''.

(c) PLANS TO IMPLEMENT THE GANDHI-KING SCHOLARLY EXCHANGE INITIATIVE.—The Gandhi-King Scholarly Exchange Initiative Act (subtitle D of title III of division FF of Public Law 116–260) is amended by striking section 336.

(d) PROGRESS REPORT ON JERUSALEM EMBASSY.—The Jerusalem Embassy Act of 1995 (Public Law 104–45) is amended by striking section 6.

(e) BURMA'S TIMBER TRADE.—The Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110–286; 50 U.S.C. 1701 note) is amended by striking section 12.

(f) MONITORING OF ASSISTANCE FOR AFGHANISTAN.—Section 103 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513) is amended by striking subsection (d).

(g) PRESIDENTIAL ANTI-PEDOPHILIA CERTIFICATION.—Section 102 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking subsection (g).

(h) MICROENTERPRISE FOR SELF-RELIANCE REPORT.—Title III of the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000 (Public Law 106–309; 22 U.S.C. 2462 note) is amended by striking section 304.

SEC. 5718. LOCALITY PAY FOR FEDERAL EMPLOYEES WORKING OVERSEAS UNDER DOMESTIC EMPLOYEE TELEWORKING OVERSEAS AGREEMENTS.

(a) DEFINITIONS.—In this section:

(1) CIVIL SERVICE.—The term ''civil service'' has the meaning given the term in section 2101 of title 5, United States Code.

(2) COVERED EMPLOYEE.—The term ''covered employee'' means an employee who—

(A) occupies a position in the civil service; and

(B) is working overseas under a Domestic Employee Teleworking Overseas agreement.

(3) LOCALITY PAY.—The term ''locality pay'' means a locality-based comparability payment paid in accordance with subsection (b).

(4) NONFOREIGN AREA.—The term ''nonforeign area'' has the meaning given the term in section 591.205 of title 5, Code of Federal Regulations, or any successor regulation.

(5) OVERSEAS.—The term ''overseas'' means any geographic location that is not in—

(A) the continental United States; or

(B) a nonforeign area.

(b) PAYMENT OF LOCALITY PAY.—Each covered employee shall be paid locality pay in an amount that is equal to the lesser of—

(1) the amount of a locality-based comparability payment that the covered employee would have been paid under section 5304 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

(2) the amount of a locality-based comparability payment that the covered employee would be paid under section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32), as limited under section 5803(a)(4)(B) of this Act, if the covered employee were an eligible member of the Foreign Service (as defined in subsection (b) of such section 1113).

(c) APPLICATION.—Locality pay paid to a covered employee under this section—

(1) shall begin to be paid not later than 60 days after the date of the enactment of this Act; and

(2) shall be treated in the same manner, and subject to the same terms and conditions, as a locality-based comparability payment paid under section 5304 or 5304a of title 5, United States Code.

(d) ANNUITY COMPUTATION.—Notwithstanding any other provision of law, for purposes of any annuity computation under chapter 83 or 84 of title 5, United States Code, the basic pay of a covered employee shall—

(1) be considered to be the rate of basic pay that would have been paid to the covered employee had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; and

(2) include locality pay paid to the covered employee under this section.

SEC. 5719. MODIFICATIONS TO SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.

(a) SENSE OF CONGRESS.—

(1) IN GENERAL.—The Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) is amended by inserting after section 1262 the following:

''SEC. 1262A. SENSE OF CONGRESS.

''It is the sense of Congress that the President should establish and regularize information sharing and sanctions-related decision making with like-minded governments possessing human rights and anti-corruption sanctions programs similar in nature to those authorized under this subtitle.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 2(b) and in title XII of division A of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) are each amended by inserting after the items relating to section 1262 the following:

''Sec. 1262A. Sense of Congress.''.

(b) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—Section 1263(a) of the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10102) is amended by striking paragraphs (2) through (4) and inserting the following:

''(2) is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in—

''(A) corruption, including—

''(i) the misappropriation of state assets;

''(ii) the expropriation of private assets for personal gain;

''(iii) corruption related to government contracts or the extraction of natural resources; or

''(iv) bribery; or

''(B) the transfer or facilitation of the transfer of the proceeds of corruption;

''(3) is or has been a leader or official of—

''(A) an entity, including a government entity, that has engaged in, or whose members have engaged in, any of the activities described in paragraph (1) or (2) related to the tenure of the leader or official; or

''(B) an entity whose property and interests in property are blocked pursuant to this section as a result of activities related to the tenure of the leader or official;

''(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of—

''(A) an activity described in paragraph (1) or (2) that is conducted by a foreign person;

''(B) a person whose property and interests in property are blocked pursuant to this section; or

''(C) an entity, including a government entity, that has engaged in, or whose members have engaged in, an activity described in paragraph (1) or (2) conducted by a foreign person; or

''(5) is owned or controlled by, or has acted or been purported to act for or on behalf of, directly or indirectly, a person whose property and interests in property are blocked pursuant to this section.''.

(2) CONSIDERATION OF CERTAIN INFORMATION.—Subsection (c)(2) of such section is amended by inserting ''corruption and'' after ''monitor''.

(3) REQUESTS BY CONGRESS.—Subsection (d)(2) of such section is amended to read as follows:

''(2) REQUIREMENTS.—A request under paragraph (1) with respect to whether a foreign person has engaged in an activity described in subsection (a) shall be submitted to the President in writing jointly by the chairperson and ranking member of one of the appropriate congressional committees.''.

(c) REPORTS TO CONGRESS.—Section 1264(a) of the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10103(a)) is amended—

(1) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) a description of additional steps taken by the President through diplomacy, international engagement, and assistance to foreign or security sectors to address persistent underlying causes of conduct giving rise to the imposition of sanctions under this section, as amended on or after the date of the enactment of this paragraph, in each country in which foreign persons with respect to which such sanctions have been imposed are located; and

''(8) a description of additional steps taken by the President to ensure the pursuit of judicial accountability in appropriate jurisdictions with respect to foreign persons subject to sanctions under this section.''.

SEC. 5720. REPORT ON COUNTERING THE ACTIVITIES OF MALIGN ACTORS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the

Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall submit a report to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives regarding United States diplomatic efforts in Africa in achieving United States policy goals and countering the activities of malign actors.

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

(A) case studies from Mali, Sudan, the Central African Republic, the Democratic Republic of the Congo, and South Sudan, with the goal of assessing the effectiveness of diplomatic tools during the 5-year period ending on the date of the enactment of this Act; and

(B) an assessment of—

(i) the extent and effectiveness of certain diplomatic tools to advance United States priorities in the respective case study countries, including—

(I) in-country diplomatic presence;

(II) humanitarian and development assistance;

(III) support for increased 2-way trade and investment;

(IV) United States security assistance;

(V) public diplomacy; and

(VI) accountability measures, including sanctions;

(ii) whether the use of the diplomatic tools described in clause (i) achieved the diplomatic ends for which they were intended; and

(iii) the means by which the Russian Federation and the People's Republic of China exploited any openings for diplomatic engagement in the case study countries.

(b) FORM.—The report required under subsection (b) shall be submitted in classified form.

(c) CLASSIFIED BRIEFING REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator shall jointly brief Congress regarding the report required under subsection (b).

TITLE LVIII—EXTENSION OF AUTHORITIES

SEC. 5801. CONSULTING SERVICES.

Any consulting services through procurement contracts shall be limited to contracts in which such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive orders issued pursuant to existing law.

SEC. 5802. DIPLOMATIC FACILITIES.

For the purposes of calculating the costs of providing new United States diplomatic facilities in any fiscal year, in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares for such fiscal year in a manner that is proportional to the contribution of the Department of State for this purpose.

SEC. 5803. EXTENSION OF EXISTING AUTHORITIES.

(a) EXTENSION OF AUTHORITIES.—

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by striking ''September 30, 2010'' and inserting ''September 30, 2024''.

(2) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through ''September 30, 2024''.

(3) USAID CIVIL SERVICE ANNUITANT WAIVER.—Section 625(j)(1)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)(B)) shall be applied by striking ''October 1, 2010'' and inserting ''September 30, 2024''.

(4) OVERSEAS PAY COMPARABILITY AND LIMITATION.—

(A) IN GENERAL.—The authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2024.

(B) LIMITATION.—The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

(5) INSPECTOR GENERAL ANNUITANT WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111–212)—

(A) shall remain in effect through September 30, 2024; and

(B) may be used to facilitate the assignment of persons for oversight of programs in Somalia, South Sudan, Syria, Venezuela, and Yemen.

(6) ACCOUNTABILITY REVIEW BOARDS.—The authority provided under section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect for facilities in Afghanistan and shall apply to facilities in Ukraine through September 30, 2024, except that the notification and reporting requirements contained in such section shall include the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives.

(7) DEPARTMENT OF STATE INSPECTOR GENERAL WAIVER AUTHORITY.—The Inspector General of the Department may waive the provisions of subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064), on a case-by-case basis, for an annuitant reemployed by the Inspector General on a temporary basis, subject to the same constraints and in the same manner by which the Secretary of State may exercise such waiver authority pursuant to subsection (g) of such section.

(b) EXTENSION OF PROCUREMENT AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall continue in effect until September 30, 2024.

SEC. 5804. WAR RESERVES STOCKPILE AND MILITARY TRAINING REPORT.

(a) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking ''of this section'' and all that follows through the period at the end and inserting ''of this section after September 30, 2024.''.

(b) ANNUAL FOREIGN MILITARY TRAINING REPORT.—

(1) IN GENERAL.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2416), the term ''military training provided to foreign military personnel by the Department of Defense and the Department of State'' shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated under section 517(b) of such Act (22 U.S.C. 2321k(b)) as a major non-North Atlantic Treaty Organization ally. Such third-country training shall be clearly identified in the report submitted pursuant to such section 656.

(2) DISTRIBUTION OF REPORT.—section 656(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416(e)) is amended to read as follows:

''(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 Appropriations 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 Appropriations of the House of Representatives; and

''(6) the Committee on Armed Services of the House of Representatives.''.

SEC. 5805. 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 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, 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'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; and

(G) treaties that impact United States overseas presence.

(d) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 10 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 1 member shall be appointed by the chairperson of the Committee on Foreign Relations of the Senate;

(C) 1 member shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(D) 1 member shall be appointed by the chairperson of the Committee on Foreign Affairs of the House of Representatives;

(E) 1 member shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;

(F) 1 member shall be appointed by the majority leader of the Senate, who shall serve as co-chair of the Commission;

(G) 1 member shall be appointed by the Speaker of the House of Representatives;

(H) 1 member shall be appointed by the minority leader of the Senate, who shall serve as co-chair of the Commission; and

(I) 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.

(B) POLITICAL PARTY AFFILIATION.—Not more than 4 members of the Commission may be from the same political party.

(C) MEETINGS.—

(i) INITIAL MEETING.—Not later than 45 days after the date of the enactment of this Act, 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.—Six 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 the Department, USAID, the United States International Development Finance Corporation, the Millennium Challenge Corporation, the Peace Corps, Trade Development Agency, and the United States Agency for Global Media information and data necessary to enable it to carry out its mission, which shall be provided 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) 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 shall provide to the Commission, on a nonreimbursable basis, such administrative services, staff, 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, staff, and other support as such departments and agencies consider advisable and authorized by law.

(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.

(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) CONGRESSIONAL CONSULTATION.—Not less frequently than quarterly, the Commission shall provide a briefing 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 regarding 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 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, 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'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, 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) any other areas that the Commission considers necessary for a complete appraisal of United States diplomacy and Department management and operations; and

(I) the amount of time, manpower, and financial resources that would be necessary to implement the recommendations specified under this paragraph.

(3) DEPARTMENT RESPONSE.—The Secretary, in coordination with the heads of appropriate Federal departments and agencies, 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.—There is authorized to be appropriated up to $2,000,000 for fiscal year 2023 to carry out this section.

SA 6446. Mr. REED (for Mr. CORNYN (for himself and Mr. WHITEHOUSE)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF EXEMPTIONS UNDER FARA.

(a) DEFINITION.—Section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611) is amended by adding at the end the following:

''(q) The term 'country of concern' means—

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

''(2) the Russian Federation;

''(3) the Islamic Republic of Iran;

''(4) the Democratic People's Republic of Korea;

''(5) the Republic of Cuba; and

''(6) the Syrian Arab Republic.''.

(b) EXEMPTIONS.—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceding subsection (a), by inserting '', except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is a country of concern'' before the colon.

(c) SUNSET.—The amendments made by subsections (a) and (b) shall terminate on October 1, 2025.

SA 6447. Mr. REED (for Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military 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 F—MATTERS RELATED TO TAIWAN

SEC. 10001. SHORT TITLE.

This division may be cited as ''Matters Related to Taiwan''.

TITLE I—IMPLEMENTATION OF AN ENHANCED DEFENSE PARTNERSHIP BETWEEN THE UNITED STATES AND TAIWAN

SEC. 10101. 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, consistent with the Taiwan Relations Act (Public Law 96–8).

(b) 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.), a purpose of the Foreign Military Financing Program should be to provide assistance, including equipment, training, and other support, to build the civilian and defensive military capabilities of Taiwan—

(1) to accelerate the modernization of self-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 blockade Taiwan; or

(C) to secure a lodgment on any islands administered by Taiwan 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 Taiwan's civilian and defense leadership.

(c) REGIONAL CONTINGENCY STOCKPILE.—Of the amounts authorized to be appropriated pursuant to subsection (g), 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 10002), in accordance with section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), as amended by section 10002.

(d) AVAILABILITY OF FUNDS.—

(1) ANNUAL SPENDING PLAN.—Not later than March 1, 2023, 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 (g), if made available, would be used to achieve the purpose described in subsection (b).

(2) CERTIFICATION.—

(A) IN GENERAL.—Amounts authorized to be appropriated for each fiscal year pursuant to subsection (g) are authorized to be made available after the Secretary of State, in coordination with the Secretary of Defense, certifies not less than annually to the appropriate committees of Congress that Taiwan has increased its defense spending relative to Taiwan's defense spending in its prior fiscal year, which may include support for an asymmetric strategy, 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).

(B) WAIVER.—The Secretary of State may waive the certification requirement under subparagraph (A) if the Secretary, in consultation with the Secretary of Defense, certifies to the 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 for any given year—

(i) Taiwan is unable to increase its defense spending relative to its defense spending in its prior fiscal year due to severe hardship; and

(ii) making available the amounts authorized under subparagraph (A) is in the national interests of the United States.

(3) REMAINING FUNDS.—Amounts authorized to be appropriated for a fiscal year pursuant to subsection (g) 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.

(e) 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;

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

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

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

(2) INITIAL REPORT.—Concurrently with the first certification required under subsection (d)(2), 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;

(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 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 in 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) SUBSEQUENT REPORTS.—Concurrently with subsequent certifications required under subsection (d)(2), the Secretary of State and the Secretary of Defense shall jointly submit updates to the initial report required under paragraph (2) that provides a description of changes and developments that occurred in the prior year.

(5) FORM.—The reports required under paragraphs (2) and (4) shall be submitted in classified form, but shall include a detailed unclassified summary.

(6) SHARING OF SUMMARY.—The Secretary of State and the Secretary of Defense shall jointly share the unclassified summary required under paragraph (5) with Taiwan, as appropriate.

(f) 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 is authorized to 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 (g) 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 (g) 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 authorized to be appropriated to carry out this subsection may not be expended without prior notification of the appropriate committees of Congress.

(g) 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 up to $2,000,000,000 for each of the fiscal years 2023 through 2027.

(2) TRAINING AND EDUCATION.—Of the amounts authorized to be appropriated under paragraph (1), the Secretary of State should use not less than $2,000,000 per fiscal year for one or more blanket order Foreign Military Financing training programs related to the defense needs of Taiwan.

(3) DIRECT COMMERCIAL CONTRACTING.—Of the amounts authorized to be appropriated under paragraph (1), the Secretary of State may utilize such funds for the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(4) OFFSHORE PROCUREMENT.—Of the amounts authorized to be appropriated for Foreign Military Financing and made available for Taiwan, not more than 15 percent made available for each fiscal year may be available for the procurement by Taiwan in Taiwan of defense articles and defense services, including research and development, as agreed by the United States and Taiwan.

(h) SUNSET PROVISION.—Assistance may not be provided under this section after September 30, 2032.

SEC. 10102. 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. 2321h(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 of munitions and other appropriate defense articles.

(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. 10103. INTERNATIONAL MILITARY EDUCATION AND TRAINING COOPERATION WITH TAIWAN.

The Secretary of State is authorized to provide training and education to relevant entities in Taiwan through the International Military Education and Training program (22 U.S.C. 2347 et seq).

SEC. 10104. ADDITIONAL AUTHORITIES TO SUPPORT TAIWAN.

(a) DRAWDOWN AUTHORITY.—Section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) is amended , insert the following paragraph:

''(3) In addition to amounts already specified in this section, the President may direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed $1,000,000,000 per fiscal year, to be provided to Taiwan.''.

(b) EMERGENCY AUTHORITY.—In section 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)), insert at the end the following: ''In addition to the aggregate value of $25,000,000 authorized in paragraph (2) of the preceding sentence, the President may direct the drawdown of commodities and services from the inventory and resources of any agency of the United States Government for the purposes of providing necessary and immediate assistance to Taiwan of a value not to exceed $25,000,000 in any fiscal year.''.

SEC. 10105. MULTI-YEAR PLAN TO FULFILL DEFENSIVE REQUIREMENTS OF MILITARY FORCES OF TAIWAN AND MODIFICATION OF ANNUAL REPORT ON TAIWAN MILITARY CAPABILITIES AND INTELLIGENCE SUPPORT.

(a) MULTI-YEAR PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall engage for the purposes of establishing a joint consultative mechanism with appropriate officials of Taiwan to develop and implement a multi-year plan to provide for the acquisition of appropriate defensive capabilities by Taiwan and to engage with Taiwan in a series of combined training, exercises, and planning activities consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

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

(1) An identification of the defensive military capability gaps and capacity shortfalls of Taiwan that are required to—

(A) allow Taiwan to respond effectively to aggression by the People's Liberation Army or other actors from the People's Republic of China; and

(B) advance a strategy of denial, reduce the threat of conflict, thwart an invasion, and mitigate other risks to the United States and Taiwan.

(2) An assessment of the relative priority assigned by appropriate departments and agencies of Taiwan to include its military to address such capability gaps and capacity shortfalls.

(3) An explanation of the annual resources committed by Taiwan to address such capability gaps and capacity shortfalls.

(4) A description and justification of the relative importance of overcoming each identified capability gap and capacity shortfall for deterring, delaying, or defeating military aggression by the People's Republic of China;

(5) An assessment of—

(A) the capability gaps and capacity shortfalls that could be addressed in a sufficient and timely manner by Taiwan; and

(B) the capability gaps and capacity shortfalls that are unlikely to be addressed in a sufficient and timely manner solely by Taiwan.

(6) An assessment of the capability gaps and capacity shortfalls described in paragraph (5)(B) that could be addressed in a sufficient and timely manner by—

(A) the Foreign Military Financing, Foreign Military Sales, and Direct Commercial Sales programs of the Department of State;

(B) Department of Defense security assistance authorized by chapter 16 of title 10, United States Code;

(C) Department of State training and education programs authorized by chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318);

(E) the provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.); or

(F) any other authority available to the Secretary of Defense or the Secretary of State.

(7) A description of United States or Taiwan engagement with other countries that could assist in addressing in a sufficient and timely manner the capability gaps and capacity shortfalls identified pursuant to paragraph (1).

(8) An identification of opportunities to build interoperability, combined readiness, joint planning capability, and shared situational awareness between the United States, Taiwan, and other foreign partners and allies, as appropriate, through combined training, exercises, and planning events, including—

(A) table-top exercises and wargames that allow operational commands to improve joint and combined planning for contingencies involving a well-equipped adversary in a counter-intervention campaign;

(B) joint and combined exercises that test the feasibility of counter-intervention strategies, develop interoperability across services, and develop the lethality and survivability of combined forces against a well-equipped adversary;

(C) logistics exercises that test the feasibility of expeditionary logistics in an extended campaign with a well-equipped adversary;

(D) service-to-service exercise programs that build functional mission skills for addressing challenges posed by a well-equipped adversary in a counter-intervention campaign; and

(E) any other combined training, exercises, or planning with Taiwan's military forces that the Secretary of Defense and Secretary of State consider relevant.

(9) An identification of options for the United States to use, to the maximum extent practicable, existing authorities or programs to expedite military assistance to Taiwan in the event of a crisis or conflict, including—

(A) a list of defense articles of the United States that may be transferred to Taiwan during a crisis or conflict;

(B) a list of authorities that may be used to provide expedited military assistance to Taiwan during a crisis or conflict;

(C) an assessment of methods that could be used to deliver such assistance to Taiwan during a crisis or conflict, including—

(i) the feasibility of employing such methods in different scenarios; and

(ii) recommendations for improving the ability of the Armed Forces to deliver such assistance to Taiwan; and

(D) an assessment of any challenges in providing such assistance to Taiwan in the event of a crisis or conflict and recommendations for addressing such challenges.

(c) RECURRENCE.—The joint consultative mechanism required in subsection (a) shall convene on a recurring basis and not less than annually.

SEC. 10106. FAST-TRACKING SALES TO TAIWAN UNDER FOREIGN MILITARY SALES PROGRAM.

(a) PRECLEARANCE OF CERTAIN FOREIGN MILITARY SALES ITEMS.—

(1) IN GENERAL.—Not later than 1 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, the Arms Transfer and Technology Release Senior Steering Group, and other appropriate entities, 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) 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.

(B) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to supersede congressional notification requirements as required by the Arms Export Control Act (22 U.S.C. 2751 et. seq.).

(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) 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. 10107. EXPEDITING DELIVERY OF ARMS EXPORTS TO TAIWAN AND UNITED STATES ALLIES IN THE INDO-PACIFIC.

(a) REPORT REQUIRED.—Not later than March 1, 2023, and annually thereafter for a period of 5 years, the Secretary of State, in coordination with 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)).

(b) ELEMENTS.—The report required under subsection (a) 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,

the Philippines, Thailand, 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 and prioritize deliveries of defense articles and services to Taiwan, including—

(A) a description of 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;

(B) 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; and

(C) 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).

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

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

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

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

SEC. 10108. 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, 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; and

(D) other defense 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) SHARING OF REPORT.—The assessment required by subsection (a) shall be shared with appropriate officials Taiwan to facilitate cooperation.

SEC. 10109. ANNUAL REPORT ON TAIWAN DEFENSIVE MILITARY CAPABILITIES AND INTELLIGENCE SUPPORT.

Section 1248 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1988) is amended to read as follows:

''SEC. 1248. ANNUAL REPORT ON TAIWAN CAPABILITIES AND INTELLIGENCE SUPPORT.

''(a) IN GENERAL.—The Secretary of State and the Secretary of Defense, in coordination with the heads of other relevant Federal departments and agencies, shall jointly each year through fiscal year 2027, consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3302(c)), perform an annual assessment of security matters related to Taiwan, including intelligence matters, Taiwan's defensive military capabilities, and how defensive shortcomings or vulnerabilities of Taiwan could be mitigated through cooperation, modernization, or integration. At a minimum, the assessment shall include the following:

''(1) An intelligence assessment regarding—

''(A) conventional military and nuclear threats to Taiwan from China, including exercises, patrols, and presence intended to intimidate or coerce Taiwan; and

''(B) irregular warfare activities, including influence operations, conducted by China to interfere in or undermine the peace and stability of the Taiwan Strait.

''(2) The current military capabilities of Taiwan and the ability of Taiwan to defend itself from external conventional and irregular military threats across a range of scenarios.

''(3) The interoperability of current and future defensive capabilities of Taiwan with the military capabilities of the United States and its allies and partners.

''(4) The plans, tactics, techniques, and procedures underpinning an effective defense strategy for Taiwan, including how addressing identified capability gaps and capacity shortfalls will improve the effectiveness of such strategy.

''(5) A description of additional personnel, resources, and authorities in Taiwan or in the United States that may be required to meet any shortcomings in the development of Taiwan's military capabilities identified pursuant to this section.

''(6) With respect to materiel capabilities and capacities the Secretary of Defense and Secretary of State jointly assess to be most effective in deterring, defeating, or delaying military aggression by the People's Republic of China, a prioritized list of capability gaps and capacity shortfalls of the military forces of Taiwan, including—

''(A) an identification of—

''(i) any United States, Taiwan, or ally or partner country defense production timeline challenge related to potential materiel and solutions to such capability gaps;

''(ii) the associated investment costs of enabling expanded production for items currently at maximum production;

''(iii) the associated investment costs of, or mitigation strategies for, enabling export for items currently not exportable; and

''(iv) existing stocks of such capabilities in the United States and ally and partner countries;

''(B) the feasibility and advisability of procuring solutions to such gaps and shortfalls through United States allies and partners, including through co-development or co-production;

''(C) the feasibility and advisability of assisting Taiwan in the domestic production of solutions to capability gaps, including through—

''(i) the transfer of intellectual property; and

''(ii) co-development or co-production arrangements;

''(D) the estimated costs, expressed in a range of options, of procuring sufficient capabilities and capacities to address such gaps and shortfalls;

''(E) an assessment of the relative priority assigned by appropriate officials of Taiwan to each such gap and shortfall; and

''(F) a detailed explanation of the extent to which Taiwan is prioritizing the development, production, or fielding of solutions to

such gaps and shortfalls within its overall defense budget.

''(7) The applicability of Department of State and Department of Defense authorities for improving the defensive military capabilities of Taiwan in a manner consistent with the Taiwan Relations Act.

''(8) A description of any security assistance provided or Foreign Military Sales and Direct Commercial Sales activity with Taiwan over the past year.

''(9) A description of each engagement between the United States and Taiwan personnel related to planning over the past year.

''(10) With respect to each to training and exercises —

''(A) a description of each such instance over the past year;

''(B) a description of how each such instance—

''(i) sought to achieve greater interoperability, improved readiness, joint planning capability, and shared situational awareness between the United States and Taiwan, or among the United States, Taiwan, and other countries;

''(ii) familiarized the militaries of the United States and Taiwan with each other; and

''(iii) improved Taiwan's defense capabilities.

''(11) A description of the areas and means through which the United States is assisting and support training, exercises, and assistance to support Taiwan's requirements related to civilian defense and resilience, and how the United States is seeking to assist Taiwan in addressing any critical gaps where capacity falls short of meeting such requirements, including those elements identified in the assessment required by ⟦section 10100 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023⟧.

''(12) An assessment of the implications of current levels of pre-positioned war reserve materiel on the ability of the United States to respond to a crisis or conflict involving Taiwan with respect to—

''(A) providing military or non-military aid to Taiwan; and

''(B) sustaining military installations and other infrastructure of the United States in the Indo-Pacific region.

''(13) An assessment of the current intelligence, surveillance, and reconnaissance capabilities of Taiwan, including any existing gaps in such capabilities and investments in such capabilities by Taiwan since the preceding report.

''(14) A summary of changes to pre-positioned war reserve materiel of the United States in the Indo-Pacific region since the preceding report.

''(15) Any other matters the Secretary of Defense or the Secretary of State considers appropriate.

''(b) PLAN.—The Secretary of Defense and the Secretary of State shall jointly develop a plan for assisting Taiwan in improving its defensive military capabilities and addressing vulnerabilities identified pursuant to subsection (a) that includes—

''(1) recommendations, if any, for new Department of State or Department of Defense authorities, or modifications to existing Department of State or Department of Defense authorities, necessary to improve the defensive military capabilities of Taiwan in a manner consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.);

''(2) an identification of opportunities for key leader and subject matter expert engagement between Department personnel and military and civilian counterparts in Taiwan; and

''(3) an identification of challenges and opportunities for leveraging authorities, resources, and capabilities outside the Department of Defense and the Department of State to improve the defensive capabilities of Taiwan in accordance with the Taiwan Relations Act.

''(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through fiscal year 2027, the Secretary of State and the Secretary of Defense shall jointly submit to the appropriate committees of Congress—

''(1) a report on the results of the assessment required by subsection (a);

''(2) the plan required by subsection (b); and

''(3) a report on—

''(A) the status of efforts to develop and implement the joint multi-year plan required under section 10007 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 to provide for the acquisition of appropriate defensive military capabilities by Taiwan and to engage with Taiwan in a series of combined training and planning activities consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.); and

''(B) any other matters the Secretary considers necessary.

''(d) FORM.—The reports required by subsection (c) shall be submitted in unclassified form, but may include a classified annex.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term 'appropriate committees of Congress' means—

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

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

TITLE II—COUNTERING PEOPLE'S REPUBLIC OF CHINA'S COERCION AND INFLUENCE CAMPAIGNS

SEC. 10201. 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, in coordination with the Director of National Intelligence, 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 Taiwan's public 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 Taiwan's ability to develop a holistic 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; and

(4) programs carried out by the Global Engagement Center to expose misinformation and disinformation in the Chinese Communist Party's propaganda.

SEC. 10202. 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 180 days after the date of the enactment of this Act, 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 response, including 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.

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

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

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

(3) the Committee on Appropriations of the Senate;

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

(5) the Committee on Armed Services of the House of Representatives; and

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

SEC. 10203. 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 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.

(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 United States Agency for Global Media.

(viii) 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.

(d) SUNSET.—This section shall terminate on the date that is 5 years after the date of enactment of this Act.

TITLE III—INCLUSION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS

SEC. 10301. 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 committees of Congress 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).

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

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

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

(3) the Committee on Appropriations of the Senate;

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

(5) the Committee on Armed Services of the House of Representatives; and

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

SEC. 10302. 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 and the Secretary of Transportation, 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 to the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Foreign Affairs and Committee on Energy and Commerce of the House of Representatives an unclassified report 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 IV—MISCELLANEOUS PROVISIONS

SEC. 10401. 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 committees of Congress—

(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.—

(1) IN GENERAL.—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 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 committees of Congress.

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

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

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

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

(3) the Committee on Appropriations of the Senate;

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

(5) the Committee on Armed Services of the House of Representatives; and

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

SEC. 10402. 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 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 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 Matters Related to Taiwan, and annually thereafter for the following 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 Matters Related to Taiwan, and annually thereafter for the following 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. 10403. 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 the appropriate congressional committees 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.

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

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

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

(3) the Select Committee on Intelligence of the Senate;

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

(5) the Committee on Armed Services of the House of Representatives; and

(6) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 10404. 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 partners, including Taiwan and other partners 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.

TITLE V—UNITED STATES-TAIWAN PUBLIC HEALTH PROTECTION

SEC. 10501. SHORT TITLE.

This title may be cited as ''United States-Taiwan Public Health Protection Act''.

SEC. 10502. 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 Appropriations of the Senate;

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

(E) the Committee on Energy and Commerce of the House of Representatives; and

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

(2) CENTER.—The term ''Center'' means the Infectious Disease Monitoring Center described in section 10503.

SEC. 10503. STUDY.

(a) STUDY.—Not later than one year after the date of the enactment of this Act, the Secretary of State and the Secretary of Health and Human Services, in consultation with the heads of other relevant Federal departments and agencies, shall submit to appropriate 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 public health activities supported by the United States in Taiwan.

(2) A description how the United States and Taiwan can promote further cooperation and expand public health activities, including the feasibility and utility of establishing an Infectious Disease Monitoring Center within the American Institute of Taiwan in Taipei, Taiwan to—

(A) regularly monitor, analyze, and disseminate open-source material from countries in the region, including viral strains, bacterial subtypes, and other pathogens;

(B) engage in people-to-people contacts with medical specialists and public health officials in the region;

(C) provide expertise and information on infectious diseases to the United States Government and Taiwanese officials; and

(D) carry 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 such a Center would be established and operationalized, 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 the Department of Health and Human Services, 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

(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 and the Secretary of Health and Human Services shall consult with the appropriate congressional committees before full completion of the study.

TITLE VI—RULES OF CONSTRUCTION

SEC. 10601. 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. 10602. 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 6448. Mr. REED (for Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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.—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, subject to the availability of appropriations.

(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 6449. Mr. REED (for Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. COST-SHARING REQUIREMENTS APPLICABLE TO CERTAIN BUREAU OF RECLAMATION DAMS AND DIKES.

Section 4309 of the America's Water Infrastructure Act of 2018 (43 U.S.C. 377b note; Public Law 115–270) is amended—

(1) in the section heading, by inserting ''**DAMS AND**'' before ''**DIKES**'';

(2) in subsection (a), by striking ''effective beginning on the date of enactment of this section, the Federal share of the operations and maintenance costs of a dike described in subsection (b)'' and inserting ''effective during the 1-year period beginning on the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Federal share of the dam safety modifications costs of a dam or dike described in subsection (b), including repairing or replacing a gate or ancillary gate components,''; and

(3) in subsection (b)—

(A) in the subsection heading, by inserting ''DAMS AND '' before ''DIKES'';

(B) in the matter preceding paragraph (1), by inserting ''dam or'' before ''dike'' each place it appears; and

(C) in paragraph (2), by striking ''December 31, 1945'' and inserting ''December 31, 1948''.

SA 6450. Mr. REED (for Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER SOVEREIGN UKRAINIAN TERRITORY.

(a) IN GENERAL.—Section 1234 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1974) is amended—

(1) in the section heading, by striking ''**CRIMEA**'' and inserting ''**SOVEREIGN UKRANIAN TERRITORY**''; and

(2) in subsection (a), by striking ''over Crimea'' and inserting ''over territory internationally recognized to be the sovereign territory of Ukraine, including Crimea and territory the Russian Federation claimed to have annexed in Kherson Oblast, Zaporizhzhia Oblast, Donetsk Oblast, and Luhansk Oblast''.

(b) CLERICAL AMENDMENTS.—The tables of sections in section 2(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1541) and at the beginning of title XII of such Act (135 Stat. 1956) are amended, in the matter relating to section 1234, by striking ''Crimea'' and inserting ''sovereign Ukranian territory''.

SA 6451. Mr. REED (for Mr. SCOTT of Florida) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

Subtitle F—American Security Drone Act of 2022

SEC. 881. SHORT TITLE.

This subtitle may be cited as the ''American Security Drone Act of 2022''.

SEC. 882. DEFINITIONS.

In this subtitle:

(1) COVERED FOREIGN ENTITY.—The term ''covered foreign entity'' means an entity included on a list developed and maintained by the Federal Acquisition Security Council. This list will include entities in the following categories:

(A) An entity included on the Consolidated Screening List.

(B) Any entity that is subject to extrajudicial direction from a foreign government, as determined by the Secretary of Homeland Security.

(C) Any entity the Secretary of Homeland Security, in coordination with the Attorney General, Director of National Intelligence, and the Secretary of Defense, determines poses a national security risk.

(D) Any entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Homeland Security.

(E) Any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

(2) 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.

(3) INTELLIGENCE; INTELLIGENCE COMMUNITY.—The terms ''intelligence'' and ''intelligence community'' have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 883. PROHIBITION ON PROCUREMENT OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Except as provided under subsections (b) through (f), the head of an executive agency may not procure any covered unmanned aircraft system that 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 enable the operator to operate the aircraft in the National Airspace System. The Federal Acquisition Security Council, in coordination with the Secretary of Transportation, shall develop and update a list of associated elements.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restriction under subsection (a) if the procurement is required in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary's designee.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of meeting NOAA's science or management objectives.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and

(2) upon notification to—

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

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

(C) other appropriate congressional committees of jurisdiction.

SEC. 884. PROHIBITION ON OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) PROHIBITION.—

(1) IN GENERAL.—Beginning on the date that is two years after the date of the enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.

(2) APPLICABILITY TO CONTRACTED SERVICES.—The prohibition under paragraph (1) applies to any covered unmanned aircraft systems that are being used by any executive agency through the method of contracting for the services of covered unmanned aircraft systems.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restriction under subsection (a) if the procurement is required in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary's designee.

(d) NATIONAL TRANSPORTATION SAFETY BOARD EXEMPTION.—The National Transportation Safety Board, in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the sole purpose of conducting safety investigations.

(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the procurement is necessary for the purpose of meeting NOAA's science or management objectives.

(f) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and

(2) upon notification to—

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

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

(C) other appropriate congressional committees of jurisdiction.

(g) REGULATIONS AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General shall prescribe regulations or guidance to implement this section.

SEC. 885. PROHIBITION ON USE OF FEDERAL FUNDS FOR PURCHASES AND OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Beginning on the date that is two years after the date of the enactment of this Act, except as provided in subsection (b), no Federal funds awarded through a contract, grant, or cooperative agreement, or otherwise made available may be used—

(1) to purchase a covered unmanned aircraft system that is manufactured or assembled by a covered foreign entity; or

(2) in connection with the operation of such a drone or unmanned aircraft system.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, and the Attorney General are exempt from the restriction under subsection (a) if the procurement is required in the national interest of the United States and—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(2) is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or

(3) is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(c) DEPARTMENT OF TRANSPORTATION AND FEDERAL AVIATION ADMINISTRATION EXEMPTION.—The Secretary of Transportation is exempt from the restriction under subsection (a) if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary's designee.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION EXEMPTION.—The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under subsection (a) if the operation or procurement is necessary for the purpose of meeting NOAA's science or management objectives.

(e) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis—

(1) with the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and

(2) upon notification to—

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

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

(C) other appropriate congressional committees of jurisdiction.

(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe regulations or guidance, as necessary, to implement the requirements of this section pertaining to Federal contracts.

SEC. 886. PROHIBITION ON USE OF GOVERNMENT-ISSUED PURCHASE CARDS TO PURCHASE COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure any covered unmanned aircraft system from a covered foreign entity.

SEC. 887. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—All executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems, within one year of the date of enactment of this Act, regardless of the original procurement cost, or the purpose of procurement due to the special monitoring and accounting measures necessary to track the items' capabilities.

(b) CLASSIFIED TRACKING.—Due to the sensitive nature of missions and operations conducted by the United States Government, inventory data related to covered unmanned aircraft systems manufactured or assembled by a covered foreign entity may be tracked at a classified level.

(c) EXCEPTIONS.—The Department of Defense, Department of Homeland Security, Department of Justice, and Department of Transportation may exclude from the full inventory process, covered unmanned aircraft systems that are deemed expendable due to mission risk such as recovery issues or that are one-time-use covered unmanned aircraft due to requirements and low cost.

SEC. 888. COMPTROLLER GENERAL REPORT.

Not later than 275 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the amount of commercial off-the-shelf drones and covered unmanned aircraft systems procured by Federal departments and agencies from covered foreign entities.

SEC. 889. GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Department of Homeland Security, Department of Transportation, the Department of Justice, and other Departments as determined by the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of an unmanned aircraft system—

(1) for non-Department of Defense and non-intelligence community operations; and

(2) through grants and cooperative agreements entered into with non-Federal entities.

(b) INFORMATION SECURITY.—The policy developed under subsection (a) shall include the following specifications, which to the extent practicable, shall be based on industry standards and technical guidance from the National Institute of Standards and Technology, to address the risks associated with processing, storing, and transmitting Federal information in an unmanned aircraft system:

(1) Protections to ensure controlled access to an unmanned aircraft system.

(2) Protecting software, firmware, and hardware by ensuring changes to an unmanned aircraft system are properly managed, including by ensuring an unmanned aircraft system can be updated using a secure, controlled, and configurable mechanism.

(3) Cryptographically securing sensitive collected, stored, and transmitted data, including proper handling of privacy data and other controlled unclassified information.

(4) Appropriate safeguards necessary to protect sensitive information, including during and after use of an unmanned aircraft system.

(5) Appropriate data security to ensure that data is not transmitted to or stored in non-approved locations.

(6) The ability to opt out of the uploading, downloading, or transmitting of data that is not required by law or regulation and an ability to choose with whom and where information is shared when it is required.

(c) REQUIREMENT.—The policy developed under subsection (a) shall reflect an appropriate risk-based approach to information security related to use of an unmanned aircraft system.

(d) REVISION OF ACQUISITION REGULATIONS.—Not later than 180 days after the date on which the policy required under subsection (a) is issued—

(1) the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation, as necessary, to implement the policy; and

(2) any Federal department or agency or other Federal entity not subject to, or not subject solely to, the Federal Acquisition Regulation shall revise applicable policy, guidance, or regulations, as necessary, to implement the policy.

(e) EXEMPTION.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall—

(1) incorporate policies to implement the exemptions contained in this subtitle; and

(2) incorporate an exemption to the policy in the case of a head of the procuring department or agency determining, in writing, that no product that complies with the information security requirements described in subsection (b) is capable of fulfilling mission critical performance requirements, and such determination—

(A) may not be delegated below the level of the Deputy Secretary, or Administrator, of the procuring department or agency;

(B) shall specify—

(i) the quantity of end items to which the waiver applies and the operation or procurement value of those items; and

(ii) the time period over which the waiver applies, which shall not exceed three years;

(C) shall be reported to the Office of Management and Budget following issuance of such a determination; and

(D) not later than 30 days after the date on which the determination is made, shall be provided to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

SEC. 890. STATE, LOCAL, AND TERRITORIAL LAW ENFORCEMENT AND EMERGENCY SERVICE EXEMPTION.

(a) RULE OF CONSTRUCTION.—Nothing in this subtitle shall prevent a State, local, or

territorial law enforcement or emergency service agency from procuring or operating a covered unmanned aircraft system purchased with non-Federal dollars.

(b) CONTINUITY OF ARRANGEMENTS.—The Federal Government may continue entering into contracts, grants, and cooperative agreements or other Federal funding instruments with State, local, or territorial law enforcement or emergency service agencies under which a covered unmanned aircraft system will be purchased or operated if the agency has received approval or waiver to purchase or operate a covered unmanned aircraft system pursuant to section 885.

SEC. 891. STUDY.

(a) STUDY ON THE SUPPLY CHAIN FOR UNMANNED AIRCRAFT SYSTEMS AND COMPONENTS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall provide to the appropriate congressional committees a report on the supply chain for covered unmanned aircraft systems, including a discussion of current and projected future demand for covered unmanned aircraft systems.

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

(A) A description of the current and future global and domestic market for covered unmanned aircraft systems that are not widely commercially available except from a covered foreign entity.

(B) A description of the sustainability, availability, cost, and quality of secure sources of covered unmanned aircraft systems domestically and from sources in allied and partner countries.

(C) The plan of the Secretary of Defense to address any gaps or deficiencies identified in subparagraph (B), including through the use of funds available under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) and partnerships with the National Aeronautics and Space Administration and other interested persons.

(D) Such other information as the Under Secretary of Defense for Acquisition and Sustainment determines to be appropriate.

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

(A) The Committees on Armed Services of the Senate and the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

(C) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(D) The Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 892. EXCEPTIONS.

(a) EXCEPTION FOR WILDFIRE MANAGEMENT OPERATIONS AND SEARCH AND RESCUE OPERATIONS.—The appropriate Federal agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement, operation, and purchase restrictions under sections 883, 884, and 885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting the full range of wildfire management operations or search and rescue operations.

(b) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—The elements of the intelligence community, in consultation with the Director of National Intelligence, are exempt from the procurement, operation, and purchase restrictions under sections 883, 884, and 885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting intelligence activities.

(c) EXCEPTION FOR TRIBAL LAW ENFORCEMENT OR EMERGENCY SERVICE AGENCY.—Tribal law enforcement or Tribal emergency service agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement, operation, and purchase restrictions under sections 883, 884, and 885 to the extent the procurement, operation, or purchase is necessary for the purpose of supporting the full range of law enforcement operations or search and rescue operations on Indian lands.

SEC. 893. SUNSET.

Sections 883, 884, and 885 shall cease to have effect on the date that is five years after the date of the enactment of this Act.

SA 6452. Mr. REED (for Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section:

''SEC. 182a. CENTER FOR EXCELLENCE IN ENVIRONMENTAL SECURITY.

''(a) ESTABLISHMENT.—The Secretary of Defense may operate a Center for Excellence in Environmental Security (in this section referred to as the 'Center').

''(b) MISSIONS.—(1) The Center shall be used to provide and facilitate education, training, and research in civil-military operations, particularly operations that require international assistance and operations that require coordination between the Department of Defense and other agencies.

''(2) The Center shall be used to provide and facilitate education, training, interagency coordination, and research on the following additional matters:

''(A) Management of the consequences of environmental insecurity with respect to—

''(i) access to water, food, and energy;

''(ii) related health matters; and

''(iii) matters relating to when, how, and why environmental stresses to human safety, health, water, energy, and food will cascade to economic, social, political, or national security events.

''(B) Appropriate roles for the reserve components in response to environmental insecurity resulting from natural disasters.

''(C) Meeting requirements for information in connection with regional and global disasters, including the use of advanced communications technology as a virtual library.

''(3) The Center shall be granted access to the data, archives, talent and physical capability of all Federal agencies to enable the development of global environmental indicators.

''(4) The Center shall perform such other missions as the Secretary of Defense may specify.

''(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Secretary of Defense may enter into an agreement with appropriate officials of an institution of higher education to provide for operation of the Center. Any such agreement shall provide for the institution to furnish necessary administrative services for the Center, including administration and allocation of funds.

''(d) ACCEPTANCE OF DONATIONS.—

''(1) Except as provided in paragraph (2), the Secretary of Defense may accept, on behalf of the Center, donations to be used to defray the costs of the Center or to enhance the operation of the Center. Such donations may be accepted from any agency of the Federal Government, any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

''(2) The Secretary may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

''(A) the ability of the Department of Defense, any employee of the Department, or members of the armed forces, to carry out any responsibility or duty of the Department in a fair and objective manner; or

''(B) the integrity of any program of the Department of Defense or of any person involved in such a program.

''(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign donation would have a result described in paragraph (2).

''(4) Funds accepted by the Secretary under paragraph (1) as a donation on behalf of the Center shall be credited to appropriations available to the Department of Defense for the Center. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and the same period as the appropriations with which merged.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 182 the following new item:

''182a. Center for Excellence in Environmental Security''.

SA 6453. Mr. REED (for Mr. GRAHAM (for himself and Mr. MENENDEZ)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1550. IRAN NUCLEAR WEAPONS CAPABILITY AND TERRORISM MONITORING ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the ''Iran Nuclear Weapons Capability and Terrorism Monitoring Act of 2022''.

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

(1) In the late 1980s, the Islamic Republic of Iran established the AMAD Project with the intent to manufacture 5 nuclear weapons and prepare an underground nuclear test site.

(2) Since at least 2002, the Islamic Republic of Iran has advanced its nuclear and ballistic

missile programs, posing serious threats to the security interests of the United States, Israel, and other allies and partners.

(3) In 2002, nuclear facilities in Natanz and Arak, Iran, were revealed to the public by the National Council of Resistance of Iran.

(4) On April 11, 2006, the Islamic Republic of Iran announced that it had enriched uranium for the first time to a level close to 3.5 percent at the Natanz Pilot Fuel Enrichment Plant, Natanz, Iran.

(5) On December 23, 2006, the United Nations Security Council adopted Resolution 1737 (2006), which imposed sanctions with respect to the Islamic Republic of Iran for its failure to suspend enrichment activities.

(6) The United Nations Security Council subsequently adopted Resolutions 1747 (2007), 1803 (2008), and 1929 (2010), all of which targeted the nuclear program of and imposed additional sanctions with respect to the Islamic Republic of Iran.

(7) On February 3, 2009, the Islamic Republic of Iran announced that it had launched its first satellite, which raised concern over the applicability of the satellite to the ballistic missile program.

(8) In September 2009, the United States, the United Kingdom, and France revealed the existence of the clandestine Fordow Fuel Enrichment Plant in Iran, years after construction started on the plant.

(9) In 2010, the Islamic Republic of Iran reportedly had enriched uranium to a level of 20 percent.

(10) On March 9, 2016, the Islamic Republic of Iran launched 2 variations of the Qadr medium-range ballistic missile.

(11) On January 28, 2017, the Islamic Republic of Iran conducted a test of a medium-range ballistic missile, which traveled an estimated 600 miles.

(12) In 2018, Israel seized a significant portion of the nuclear archive of the Islamic Republic of Iran, which contained tens of thousands of files and compact discs relating to past efforts at nuclear weapon design, development, and manufacturing by the Islamic Republic of Iran.

(13) On September 27, 2018, Israel revealed the existence of a warehouse housing radioactive material in the Turquz Abad district in Tehran, and an inspection of the warehouse by the International Atomic Energy Agency detected radioactive particles, which the Government of the Islamic Republic of Iran failed to adequately explain.

(14) On January 8, 2020, an Iranian missile struck an Iraqi military base where members of the United States Armed Forces were stationed, resulting in 11 of such members being treated for injuries.

(15) On June 19, 2020, the International Atomic Energy Agency adopted Resolution GOV/2020/34 expressing ''serious concern. . . that Iran has not provided access to the Agency under the Additional Protocol to two locations''.

(16) On November 28, 2020, following the death of the head of the Organization of Defense Innovation and Research of the Islamic Republic of Iran, the Supreme Leader of the Islamic Republic of Iran vowed to ''to continue the martyr's scientific and technological efforts in all the sectors where he was active'' in the ''nuclear and defense fields''.

(17) On April 17, 2021, the International Atomic Energy Agency verified that the Islamic Republic of Iran had begun to enrich uranium to 60 percent purity.

(18) On August 14, 2021, President of Iran Hassan Rouhani stated that ''Iran's Atomic Energy Organization can enrich uranium by 20 percent and 60 percent and if one day our reactors need it, it can enrich uranium to 90 percent purity''.

(19) On November 9, 2021, the Islamic Republic of Iran completed Zolfaghar-1400, a 3-day war game that included conventional navy, army, air force, and air defense forces testing cruise missiles, torpedoes, and suicide drones in the Strait of Hormuz, the Gulf of Oman, the Red Sea, and the Indian Ocean.

(20) On December 20, 2021, the Islamic Republic of Iran commenced a 5-day drill in which it launched a number of short- and long-range ballistic missiles that it claimed could destroy Israel, constituting an escalation in the already genocidal rhetoric of the Islamic Republic of Iran toward Israel.

(21) On January 13, 2022, the head of the Islamic Revolutionary Guards Corps Aerospace Force claimed that the military launched a solid-fuel, mobile satellite launch rocket, with implications for development of an intercontinental ballistic missile.

(22) On January 24, 2022, Houthi rebels, backed by the Islamic Republic of Iran, fired 2 missiles at Al Dhafra Air Base in the United Arab Emirates, which hosts around 2,000 members of the Armed Forces of the United States.

(23) On January 31, 2022, surface-to-air interceptors of the United Arab Emirates shot down a Houthi missile fired at the United Arab Emirates during a visit by President of Israel Isaac Herzog, the first-ever visit of an Israeli President to the United Arab Emirates.

(24) On February 9, 2022, the Islamic Republic of Iran unveiled a new surface-to-surface missile, named ''Kheibar Shekan'', which has a reported range of 900 miles (1450 kilometers) and is capable of penetrating missile shields.

(25) On March 13, 2022, the Islamic Republic of Iran launched 12 missiles into Erbil, Iraq, which struck near a consulate building of the United States.

(26) On April 17, 2022, the Islamic Republic of Iran confirmed the relocation of a production facility for advanced centrifuges from an aboveground facility at Karaj, Iran, to the fortified underground Natanz Enrichment Complex.

(27) On April 19, 2022, the Department of State released a report stating that there are ''serious concerns'' about ''possible undeclared nuclear material and activities in Iran''.

(28) On May 30, 2022, the International Atomic Energy Agency reported that the Islamic Republic of Iran had achieved a stockpile of 43.3 kilograms, equivalent to 95.5 pounds, of 60 percent highly enriched uranium, roughly enough material for a nuclear weapon.

(29) On June 8, 2022, the Islamic Republic of Iran turned off surveillance cameras installed by the International Atomic Energy Agency to monitor uranium enrichment activities at nuclear sites in the country.

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

(1) the Department of State has used evidence of the intent of the Islamic Republic of Iran to advance a nuclear program to secure the support of the international community in passing and implementing United Nations Security Council Resolutions on the Islamic Republic of Iran;

(2) intelligence agencies have compiled evidence of the intent of the Islamic Republic of Iran to advance a nuclear program, with evidence of a nuclear program prior to 2003;

(3) an Islamic Republic of Iran that possesses a nuclear weapons capability would be a serious threat to the national security of the United States, Israel, and other allies and partners;

(4) the Islamic Republic of Iran has been less than cooperative with international inspectors from the International Atomic Energy Agency and has obstructed their ability to inspect nuclear facilities across Iran;

(5) the Islamic Republic of Iran continues to advance missile programs, which are a threat to the national security of the United States, Israel, and other allies and partners;

(6) the Islamic Republic of Iran continues to support proxies in the Middle East in a manner that—

(A) undermines the sovereignty of regional governments;

(B) threatens the safety of United States citizens;

(C) threatens United States allies and partners; and

(D) directly undermines the national security interests of the United States;

(7) the Islamic Republic of Iran has engaged in assassination plots against former United States officials and has been implicated in plots to kidnap United States citizens within the United States;

(8) the Islamic Republic of Iran is engaged in unsafe and unprofessional maritime activity that threatens the movement of naval vessels of the United States and the free flow of commerce through strategic maritime chokepoints in the Middle East and North Africa;

(9) the Islamic Republic of Iran has delivered hundreds of armed drones to the Russian Federation, which will enable Vladimir Putin to continue the assault against Ukraine in direct opposition of the national security interests of the United States; and

(10) the United States must—

(A) ensure that the Islamic Republic of Iran does not develop a nuclear weapons capability;

(B) protect against aggression from the Islamic Republic of Iran manifested through its missiles program; and

(C) counter regional and global terrorism of the Islamic Republic of Iran in a manner that minimizes the threat posed by state and non-state actors to the interests of the United States.

(d) DEFINITIONS.—In this section:

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

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

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COMPREHENSIVE SAFEGUARDS AGREEMENT.—The term ''Comprehensive Safeguards Agreement'' means the Agreement between the Islamic Republic of Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973.

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

(4) TASK FORCE.—The term ''task force'' means the task force established under subsection (e).

(5) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' has the meaning given the term in section 44801 of title 49, United States Code.

(e) ESTABLISHMENT OF INTERAGENCY TASK FORCE ON NUCLEAR ACTIVITY AND GLOBAL REGIONAL TERRORISM OF THE ISLAMIC REPUBLIC OF IRAN.—

(1) ESTABLISHMENT.—The Secretary of State shall establish a task force to coordinate and synthesize efforts by the United States Government regarding—

(A) nuclear activity of the Islamic Republic of Iran or its proxies; and

(B) regional and global terrorism activity by the Islamic Republic of Iran or its proxies.

(2) COMPOSITION.—

(A) CHAIRPERSON.—The Secretary of State shall be the Chairperson of the task force.

(B) MEMBERSHIP.—

(i) IN GENERAL.—The task force shall be composed of individuals, each of whom shall be an employee of and appointed to the task force by the head of one of the following agencies:

(I) The Department of State.

(II) The Office of the Director of National Intelligence.

(III) The Department of Defense.

(IV) The Department of Energy.

(V) The Central Intelligence Agency.

(ii) ADDITIONAL MEMBERS.—The Chairperson may appoint to the task force additional individuals from other Federal agencies, as the Chairperson considers necessary.

(3) SUNSET.—The task force shall terminate on December 31, 2028.

(f) ASSESSMENTS.—

(1) INTELLIGENCE ASSESSMENT ON NUCLEAR ACTIVITY.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 120 days thereafter until December 31, 2028, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment regarding any uranium enrichment, nuclear weapons development, delivery vehicle development, and associated engineering and research activities of the Islamic Republic of Iran.

(B) CONTENTS.—The assessment required by subparagraph (A) shall include—

(i) a description and location of current fuel cycle activities for the production of fissile material being undertaken by the Islamic Republic of Iran, including—

(I) research and development activities to procure or construct additional advanced IR-2, IR-6 and other model centrifuges and enrichment cascades, including for stable isotopes;

(II) research and development of reprocessing capabilities, including—

(aa) reprocessing of spent fuel; and

(bb) extraction of medical isotopes from irradiated uranium targets;

(III) activities with respect to designing or constructing reactors, including—

(aa) the construction of heavy water reactors;

(bb) the manufacture or procurement of reactor components, including the intended application of such components; and

(cc) efforts to rebuild the original reactor at Arak;

(IV) uranium mining, concentration, conversion, and fuel fabrication, including—

(aa) estimated uranium ore production capacity and annual recovery;

(bb) recovery processes and ore concentrate production capacity and annual recovery;

(cc) research and development with respect to, and the annual rate of, conversion of uranium; and

(dd) research and development with respect to the fabrication of reactor fuels, including the use of depleted, natural, and enriched uranium; and

(V) activities with respect to—

(aa) producing or acquiring plutonium or uranium (or their alloys);

(bb) conducting research and development on plutonium or uranium (or their alloys);

(cc) uranium metal; or

(dd) casting, forming, or machining plutonium or uranium;

(ii) with respect to any activity described in clause (i), a description, as applicable, of—

(I) the number and type of centrifuges used to enrich uranium and the operating status of such centrifuges;

(II) the number and location of any enrichment or associated research and development facility used to engage in such activity;

(III) the amount of heavy water, in metric tons, produced by such activity and the acquisition or manufacture of major reactor components, including, for the second and subsequent assessments, the amount produced since the last assessment;

(IV) the number and type of fuel assemblies produced by the Islamic Republic of Iran, including failed or rejected assemblies; and

(V) the total amount of—

(aa) uranium–235 enriched to not greater than 5 percent purity;

(bb) uranium–235 enriched to greater than 5 percent purity and not greater than 20 percent purity;

(cc) uranium–235 enriched to greater than 20 percent purity and not greater than 60 percent purity;

(dd) uranium–235 enriched to greater than 60 percent purity and not greater than 90 percent purity; and

(ee) uranium–235 enriched greater than 90 percent purity;

(iii) a description of any weaponization plans and weapons development capabilities of the Islamic Republic of Iran, including—

(I) plans and capabilities with respect to—

(aa) weapon design, including fission, warhead miniaturization, and boosted and early thermonuclear weapon design;

(bb) high yield fission development;

(cc) design, development, acquisition, or use of computer models to simulate nuclear explosive devices;

(dd) design, development, fabricating, acquisition, or use of explosively driven neutron sources or specialized materials for explosively driven neutron sources; and

(ee) design, development, fabrication, acquisition, or use of precision machining and tooling that could enable the production of nuclear explosive device components;

(II) the ability of the Islamic Republic of Iran to deploy a working or reliable delivery vehicle capable of carrying a nuclear warhead;

(III) the estimated breakout time for the Islamic Republic of Iran to develop and deploy a nuclear weapon, including a crude nuclear weapon; and

(IV) the status and location of any research and development work site related to the preparation of an underground nuclear test;

(iv) an identification of any clandestine nuclear facilities;

(v) an assessment of whether the Islamic Republic of Iran maintains locations to store equipment, research archives, or other material previously used for a weapons program or that would be of use to a weapons program that the Islamic Republic of Iran has not declared to the International Atomic Energy Agency;

(vi) any diversion by the Islamic Republic of Iran of uranium, carbon-fiber, or other materials for use in an undeclared or clandestine facility;

(vii) an assessment of activities related to developing or acquiring the capabilities for the production of nuclear weapons, conducted at facilities controlled by the Ministry of Defense and Armed Forces Logistics of Iran, the Islamic Revolutionary Guard Corps, and the Organization of Defensive Innovation and Research, including an analysis of gaps in knowledge due to the lack of inspections and nontransparency of such facilities;

(viii) a description of activities between the Islamic Republic of Iran and other countries with respect to sharing information on nuclear weapons or activities related to weaponization;

(ix) with respect to any new ballistic, cruise, or hypersonic missiles being designed and tested by the Islamic Republic of Iran or any of its proxies, a description of—

(I) the type of missile;

(II) the range of such missiles;

(III) the capability of such missiles to deliver a nuclear warhead;

(IV) the number of such missiles; and

(V) any testing of such missiles;

(x) an assessment of whether the Islamic Republic of Iran or any of its proxies possesses an unmanned aircraft system or other military equipment capable of delivering a nuclear weapon;

(xi) an assessment of whether the Islamic Republic of Iran or any of its proxies has engaged in new or evolving nuclear weapons development activities, or activities related to developing the capabilities for the production of nuclear weapons or potential delivery vehicles, that would pose a threat to the national security of the United States, Israel, or other partners or allies; and

(xii) any other information that the task force determines is necessary to ensure a complete understanding of the capability of the Islamic Republic of Iran to develop and manufacture nuclear or other types of associated weapons systems.

(2) ASSESSMENT ON REGIONAL AND GLOBAL TERRORISM OF THE ISLAMIC REPUBLIC OF IRAN.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 120 days thereafter until December 31, 2028, the Director of National Intelligence shall submit to the appropriate congressional committees an assessment regarding the regional and global terrorism of the Islamic Republic of Iran.

(B) CONTENTS.—The assessment required by subparagraph (A) shall include—

(i) a description of the lethal support of the Islamic Republic of Iran, including training, equipment, and associated intelligence support, to regional and global non-state terrorist groups and proxies;

(ii) a description of the lethal support of the Islamic Republic of Iran, including training and equipment, to state actors;

(iii) an assessment of financial support of the Islamic Republic of Iran to Middle Eastern non-state terrorist groups and proxies and associated Iranian revenue streams funding such support;

(iv) an assessment of the threat posed by the Islamic Republic of Iran and Iranian-supported groups to members of the Armed Forces, diplomats, and military and diplomatic facilities of the United States throughout the Middle East and North Africa;

(v) a description of attacks by, or sponsored by, the Islamic Republic of Iran against members of the Armed Forces, diplomats, and military and diplomatic facilities of the United States and the associated response by the United States Government in the previous 120 days;

(vi) a description of attacks by, or sponsored by, the Islamic Republic of Iran against United States partners or allies and the associated response by the United States Government in the previous 120 days;

(vii) an assessment of interference by the Islamic Republic of Iran into the elections and political processes of sovereign countries

in the Middle East and North Africa in an effort to create conditions for or shape agendas more favorable to the policies of the Government of the Islamic Republic of Iran;

(viii) a description of any plots by the Islamic Republic of Iran against former and current United States officials;

(ix) a description of any plots by the Islamic Republic of Iran against United States citizens both abroad and within the United States; and

(x) a description of maritime activity of the Islamic Republic of Iran and associated impacts on the free flow of commerce and the national security interests of the United States.

(3) FORM; PUBLIC AVAILABILITY; DUPLICATION.—

(A) FORM.—Each assessment required by this subsection shall be submitted in unclassified form but may include a classified annex for information that, if released, would be detrimental to the national security of the United States.

(B) PUBLIC AVAILABILITY.—The unclassified portion of an assessment required by this subsection shall be made available to the public on an internet website of the Office of the Director of National Intelligence.

(C) DUPLICATION.—For any assessment required by this subsection, the Director of National Intelligence may rely upon existing products that reflect the current analytic judgment of the intelligence community, including reports or products produced in response to congressional mandate or requests from executive branch officials.

(g) DIPLOMATIC STRATEGY TO ADDRESS IDENTIFIED NUCLEAR, BALLISTIC MISSILE, AND TERRORISM THREATS TO THE UNITED STATES.—

(1) IN GENERAL.—Not later than 30 days after the submission of the initial assessment under subsection (f)(1), and annually thereafter until December 31, 2028, the Secretary of State, in consultation with the task force, shall submit to the appropriate congressional committees a diplomatic strategy that outlines a comprehensive plan for engaging with partners and allies of the United States regarding uranium enrichment, nuclear weaponization, and missile development activities and regional and global terrorism of the Islamic Republic of Iran.

(2) CONTENTS.—The diplomatic strategy required by paragraph (1) shall include—

(A) an assessment of whether the Islamic Republic of Iran—

(i) is in compliance with the Comprehensive Safeguards Agreement and modified Code 3.1 of the Subsidiary Arrangements to the Comprehensive Safeguards Agreement; and

(ii) has denied access to sites that the International Atomic Energy Agency has sought to inspect during previous 1-year period;

(B) a description of any dual-use item (as defined under section 730.3 of title 15, Code of Federal Regulations or listed on the List of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology issued by the Nuclear Suppliers Group or any successor list) the Islamic Republic of Iran is using to further the nuclear weapon or missile program;

(C) a description of efforts of the United States to counter efforts of the Islamic Republic of Iran to project political and military influence into the Middle East;

(D) a description of efforts to address the increased threat that new or evolving uranium enrichment, nuclear weaponization, or missile development activities by the Islamic Republic of Iran pose to United States citizens, the diplomatic presence of the United States in the Middle East, and the national security interests of the United States;

(E) a description of efforts to address the threat that terrorism by, or sponsored by, the Islamic Republic of Iran poses to United States citizens, the diplomatic presence of the United States in the Middle East, and the national security interests of the United States;

(F) a description of efforts to address the impact of the influence of the Islamic Republic of Iran on sovereign governments on the safety and security of United States citizens, the diplomatic presence of the United States in the Middle East, and the national security interests of the United States;

(G) a description of a coordinated whole-of-government approach to use political, economic, and security related tools to address such activities; and

(H) a comprehensive plan for engaging with allies and regional partners in all relevant multilateral fora to address such activities.

(3) UPDATED STRATEGY RELATED TO NOTIFICATION.—Not later than 15 days after the submission of a notification to Congress that there has been a significant development in the nuclear weapons capability or delivery systems capability of the Islamic Republic of Iran, the Secretary of State shall submit to the appropriate congressional committees an update to the most recent diplomatic strategy submitted under paragraph (1).

SA 6454. Mr. REED (for Mr. MANCHIN (for himself, Mr. BARRASSO, and Mr. RISCH)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military 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.

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

(1) 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

(2) 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 countries that are allies or partners of the United States 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;

(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 countries that are allies or partners of the United States 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 countries that are allies or partners of the United States 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) ASSOCIATED ENTITY.—The term ''associated entity'' means an entity that—

(A) is owned, controlled, or dominated by—

(i) the government of a country that is an ally or partner of the United States; or

(ii) an associated individual; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, a country that is an ally or partner of the United States, including a corporation that is incorporated in such a country.

(3) ASSOCIATED INDIVIDUAL.—The term ''associated individual'' means an alien who is a national of a country that is an ally or partner of the United States.

(4) 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)).

(5) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(6) 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))).

(7) 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))).

(8) 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).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) 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 increase 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 countries that are allies or partners of the United States 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—

(A) shall—

(i) 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;

(ii) 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;

(iii) utilize only uranium produced, converted, and enriched in—

(I) the United States; or

(II) if domestic options are not practicable, a country that is an ally or partner of the United States; and

(iv) 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

(B)(i) may not make commitments under this subsection (including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless—

(I) funds are specifically provided for those purposes in advance in appropriations Acts enacted after the date of enactment of this Act; or

(II) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (i)(2)(B); and

(ii) may make a commitment described in clause (i) only—

(I) if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is made; and

(II) to the extent of that up-front obligation recorded in full at that time.

(2) CONSIDERATIONS.—In carrying out paragraph (1)(A)(ii), 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 countries that are allies or partners of the United States 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 that is an ally or partner of the United States;

(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—

(i) uranium that has been declared excess to national security needs during or prior to fiscal year 2022;

(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 (excluding stockpiles intended for national security needs), 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;

(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) LIMITATIONS.—

(A) CERTAIN SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to—

(i) 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

(ii) environmental cleanup activities.

(B) CERTAIN COMMITMENTS.—In carrying out activities under this subsection, the Secretary—

(i) may not make commitments under this subsection (including cooperative agreements (used in accordance with section 6305 of title 31, United States Code), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless—

(I) funds are specifically provided for those purposes in advance in appropriations Acts enacted after the date of enactment of this Act; or

(II) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (i)(2)(B); and

(ii) may make a commitment described in clause (i) only—

(I) if the full extent of the anticipated costs stemming from the commitment is recorded as an obligation at the time that the commitment is made; and

(II) to the extent of that up-front obligation recorded in full at that time.

(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) 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 that is an ally or partner of the United States by—

(I) the government of that country;

(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).

(i) 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.—

(A) IN GENERAL.—Notwithstanding section 3302(b) of title 31, United States Code, revenues received by the Secretary from the sale or transfer of fuel feed material acquired by the Secretary pursuant to a contract entered into under clause (i) or (ii) of subsection (e)(1)(A) shall—

(i) be deposited in the account described in subparagraph (B);

(ii) be available to the Secretary for carrying out the purposes of this section, to reduce the need for further appropriations for those purposes; and

(iii) remain available until expended.

(B) REVOLVING FUND.—There is established in the Treasury an account into which the revenues described in subparagraph (A) shall be—

(i) deposited in accordance with clause (i) of that subparagraph; and

(ii) made available in accordance with clauses (ii) and (iii) of that subparagraph.

(j) 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.

(k) USEC PRIVATIZATION ACT.—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.

(l) NATIONAL SECURITY NEEDS.—The Secretary shall only make available to a member of the consortium under this section for commercial use or use in a demonstration project material that the President has determined is not necessary for national security needs, subject to the condition that the material made available shall not include any material that the Secretary determines to be necessary for the National Nuclear Security Administration or any critical mission of the Department.

(m) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with the obligations of the United States under international agreements.

(n) 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 6455. Mr. REED (for Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military 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.I20 (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, Alaska Native, and Native Hawaiian communities;

''(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 6456. Mr. REED (for Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. DEFINITION OF LAND USE REVENUE UNDER WEST LOS ANGELES LEASING ACT OF 2016.

Section 2(d)(2) of the West Los Angeles Leasing Act of 2016 (Public Law 114–226) is amended—

(1) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) to the extent specified in advance in an appropriations Act for a fiscal year, any funds received as compensation for an easement described in subsection (e); and''.

SA 6457. Mr. REED (for Mr. OSSOFF (for himself and Mr. SCOTT of South Carolina)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY SERVING INSTITUTIONS REGARDING NATIONAL SECURITY INNOVATION NETWORK (NSIN) PROGRAMS THAT PROMOTE ENTREPRENEURSHIP AND INNOVATION AT INSTITUTIONS OF HIGHER EDUCATION.

(a) SHORT TITLE.—This section may be referred to as the ''HBCU National Security Innovation Act''.

(b) PILOT PROGRAM.—The Under Secretary of Defense for Research and Engineering, acting through the National Security Innovation Network (NSIN), may establish activities, including outreach and technical assistance, to better connect historically Black colleges and universities and minority serving institutions (as described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q)) to the commercialization, innovation, and entrepreneurial activities of the Department of Defense.

(c) BRIEFING.—Not later than one year after the initiation of any pilot activities under subsection (b), the Secretary of Defense shall brief the congressional defense committees on the results of any activities conducted under the aforementioned pilot program, including—

(1) the results of outreach efforts;

(2) the success of expanding NSIN programs to historically Black colleges and universities and minority serving institutions;

(3) the potential barriers to expansion; and

(4) recommendations for how the Department of Defense can support such institutions to successfully participate in Department of Defense commercialization, innovation, and entrepreneurship programs.

SA 6458. Mr. REED (for Mr. VAN HOLLEN (for himself and Mr. TILLIS)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military 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. _____. HBCU RISE.

(a) DEFINITIONS.—In this section:

(1) The term ''eligible institution'' means a historically Black college or university or other minority-serving institution that is classified as a high research activity status institution at the time of application for a grant under this section.

(2) The term ''high research activity status'' means R2 status, as classified by the Carnegie Classification of Institutions of Higher Education.

(3) The term ''historically Black college or university'' has the meaning given the term ''part B institution'' under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) The term ''other minority-serving institution'' means an institution of higher education specified in paragraphs (2) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(5) The term ''Secretary'' means the Secretary of Defense.

(6) The term ''very high research activity status'' means R1 status, as classified by the Carnegie Classification of Institutions of Higher Education.

(7) The term ''very high research activity status indicators'' means the categories used by the Carnegie Classification of Institutions of Higher Education to delineate which institutions have very high research activity status, including—

(A) annual expenditures in science and engineering;

(B) per-capita (faculty member) expenditures in science and engineering;

(C) annual expenditures in non-science and engineering fields;

(D) per-capita (faculty member) expenditures in non-science and engineering fields;

(E) doctorates awarded in science, technology, engineering, and mathematics fields;

(F) doctorates awarded in social science fields;

(G) doctorates awarded in the humanities;

(H) doctorates awarded in other fields with a research emphasis;

(I) total number of research staff, including postdoctoral researchers;

(J) other doctorate-holding non-faculty researchers in science and engineering and per-capita (faculty) number of doctorate-level research staff, including post-doctoral researchers; and

(K) other categories utilized to determine classification.

(b) PROGRAM TO INCREASE CAPACITY TOWARD ACHIEVING VERY HIGH RESEARCH ACTIVITY STATUS.—

(1) PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish and carry out a program to increase capacity at high research activity status historically Black colleges and universities and other minority-serving institutions toward achieving very high research activity status.

(B) RECOMMENDATIONS.—In establishing such program, the Secretary may consider the recommendations pursuant to section 262 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) and section 220 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81).

(2) CONSIDERATIONS.—In establishing the program under this section, the Secretary shall consider—

(A) the extent of nascent research capabilities and planned research capabilities at eligible institutions, with respect to research areas of interest to the Department of Defense;

(B) recommendations from previous studies for increasing the level of research activity at high research activity status historically Black colleges and universities and other minority-serving institutions toward achieving very high research activity status classification during the program, including measurable milestones such as growth in very high research activity status indicators and other relevant factors;

(C) how such institutions will sustain the increased level of research activity;

(D) how such institutions will evaluate and assess progress;

(E) reporting requirements for such institutions participating in the program.

(3) PROGRAM COMPONENTS.—

(A) ELEMENTS.—The Secretary may consider aspects of the program that address—

(i) faculty professional development;

(ii) stipends for undergraduate and graduate students and post-doctoral scholars;

(iii) laboratory equipment and instrumentation;

(iv) recruitment and retention of faculty and graduate students;

(v) communication and dissemination of products produced as part of the program;

(vi) construction, modernization, rehabilitation, or retrofitting of facilities for research purposes; and

(vii) other activities necessary to build capacity in achieving very high research activity status indicators.

(B) PRIORITY AREAS.—The Secretary shall establish and update, on an annual basis, a list of research priorities for STEM and critical technologies appropriate for the program established under this section.

(c) EVALUATION.—Not later than 2 years after the date of the enactment of this section and every 2 years thereafter until the termination of the program, the Secretary shall prepare and submit a report to the Committees on Armed Services of the Senate and the House of Representatives providing an update on the program, including—

(1) activities carried out under the program;

(2) an analysis of the growth in very high research activity status indicators of eligible institutions that participated in the program under this section; and

(3) emerging research areas of interest to the Department of Defense conducted by eligible institutions that participated in the program under this section.

(d) TERMINATION.—The program established by this section shall terminate 10 years after the date on which the Secretary establishes such program.

(e) REPORT TO CONGRESS.—Not later than 180 days after the termination of the program under subsection (d), the Secretary shall prepare and submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the program that includes the following:

(1) An analysis of the growth in very high research activity status indicators of eligible institutions that participated in the program under this section.

(2) An evaluation on the effectiveness of the program in increasing the research capacity of eligible institutions that participated in the program under this section.

(3) A description of how institutions that have achieved very high research activity status plan to sustain that status beyond the duration of the program.

(4) An evaluation of the maintenance of very high research status by eligible institutions that participated in the program under this section.

(5) An evaluation of the effectiveness of the program in increasing the diversity of students conducting high quality research in unique areas.

(6) Recommendations with respect to additional activities and investments necessary to elevate the research status of historically Black colleges and universities and other minority-serving institutions.

(7) Recommendations on whether the program established under this section should be renewed or expanded.

SA 6459. Mr. REED (for Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. BRIEFING ON SUPPORTING GOVERNMENT OF UKRAINE TO MITIGATE, TREAT, AND REHABILITATE TRAUMATIC EXTREMITY INJURIES AND TRAUMATIC BRAIN INJURIES OF 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) BRIEFING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall assess, and provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on, whether there is an appropriate role for the Extremity Trauma and Amputation Center of Excellence or the National Intrepid Center of Excellence of the Department of Defense in helping the Government of Ukraine to mitigate, treat, and rehabilitate traumatic extremity injuries and traumatic brain injuries sustained in Ukraine.

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

(A) An assessment of the extent to which the Extremity Trauma and Amputation Center of Excellence and the National Intrepid Center of Excellence of the Department of Defense can facilitate relevant scientific research aimed at saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities for the purpose of addressing the current medical needs of Ukraine.

(B) An identification of specific activities such Centers could feasibly undertake to improve and enhance the efforts of the Government of Ukraine in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and traumatic brain injuries.

(C) A determination whether there are other government agencies, institutions of higher education, or public or private entities, including international entities, with which such Centers could partner for the purpose of supporting the Government of Ukraine in such efforts.

SA 6460. Mr. REED (for Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of 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 1205 and insert the following:

SEC. 1205. MODIFICATION OF REGIONAL DEFENSE COMBATING TERRORISM AND IRREGULAR WARFARE FELLOWSHIP PROGRAM AND PLAN FOR IRREGULAR WARFARE CENTER.

(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 (d) and (e), respectively;

(D) by inserting after subsection (b) the following new subsection (c):

''(c) IRREGULAR WARFARE CENTER.—

''(1) MISSION.—The mission of the Irregular Warfare Center shall be to support the institutionalization of irregular warfare as a core competency of the Department of Defense by—

''(A) coordinating and aligning Department of Defense education curricula, standards, and objectives related to irregular warfare and strategic competition;

''(B) providing a center for research on irregular warfare, strategic competition, and the role of the Department of Defense in supporting interagency activities relating to irregular warfare and strategic competition;

''(C) engaging and coordinating with Federal departments and agencies other than the Department of Defense and with academia, nongovernmental organizations, civil society, and international partners to discuss and coordinate efforts on security challenges in irregular warfare and strategic competition;

''(D) developing curriculum and conducting training and education of military and civilian participants of the United States and other countries, as determined by the Secretary of Defense; and

''(E) serving as a coordinating body and central repository for irregular warfare resources, including educational activities and programs, and lessons learned across components of the Department of Defense.

''(2) EMPLOYMENT AND COMPENSATION OF FACULTY.—With respect to the Irregular Warfare Center—

''(A) 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

''(B) compensation of individuals employed under this paragraph shall be as prescribed by the Secretary.

''(3) PARTNERSHIP WITH INSTITUTION OF HIGHER EDUCATION.—

''(A) 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 may partner with an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

''(B) TYPES OF PARTNERSHIPS.—The Secretary may—

''(i) establish a partnership under subparagraph (A) 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.

''(C) DETERMINATION REQUIRED.—The Secretary of Defense shall make a determination with respect to the desirability of partnering with an institution of higher education in a Government-owned, contractor-operated partnership, such as the partnership structure used by the Department of Defense for University Affiliated Research Centers, for meeting the mission requirements of the Irregular Warfare Center.

''(4) ROLES AND RESPONSIBILITIES.—The Secretary of Defense shall prescribe guidance for the roles and responsibilities of the relevant components of the Department of Defense in the administration, operation, and oversight of the Irregular Warfare Center, which shall include the roles and responsibilities of the following:

''(A) The Under Secretary of Defense for Policy.

''(B) The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

''(C) The Director of the Defense Security Cooperation Agency.

''(D) Any other official of the Department of Defense, as determined by the Secretary.'';

(E) in subsection (d), 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) REPEAL OF TREATMENT AS REGIONAL CENTER FOR SECURITY STUDIES.—Section 1299L(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4012; 10 U.S.C. 342 note) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(c) PLAN FOR IRREGULAR WARFARE CENTER.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for establishing the structure, operations, and administration of the Irregular Warfare Center described in section 345(a)(1) of title 10, United States Code.

(2) ELEMENTS.—The plan required by paragraph (1) shall include—

(A) a timeline and milestones for the establishment of the Irregular Warfare Center; and

(B) steps to enter into partnerships and resource agreements with academic institutions of the Department of Defense or other academic institutions, including any agreement for hosting or operating the Irregular Warfare Center.

(d) SENSE OF THE SENATE.—It is the sense of the Senate that a Center for Security Studies in Irregular Warfare established under section 345 of title 10, United States Code, should be known as the ''John S. McCain III Center for Security Studies in Irregular Warfare''.

SA 6461. Mr. REED (for Mrs. SHAHEEN (for herself, Mr. MORAN, and Ms. HASSAN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. HOMELAND PROCUREMENT REFORM ACT.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

''SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS.

''(a) DEFINITIONS.—In this section:

''(1) COVERED ITEM.—The term 'covered item' means any of the following:

''(A) Footwear provided as part of a uniform.

''(B) Uniforms.

''(C) Holsters and tactical pouches.

''(D) Patches, insignia, and embellishments.

''(E) Chemical, biological, radiological, and nuclear protective gear.

''(F) Body armor components intended to provide ballistic protection for an individual, consisting of 1 or more of the following:

''(i) Soft ballistic panels.

''(ii) Hard ballistic plates.

''(iii) Concealed armor carriers worn under a uniform.

''(iv) External armor carriers worn over a uniform.

''(G) Any other item of clothing or protective equipment as determined appropriate by the Secretary.

''(2) FRONTLINE OPERATIONAL COMPONENT.—The term 'frontline operational component' means any of the following organizations of the Department:

''(A) U.S. Customs and Border Protection.

''(B) U.S. Immigration and Customs Enforcement.

''(C) The United States Secret Service.

''(D) The Transportation Security Administration.

''(E) The Federal Protective Service.

''(F) The Federal Emergency Management Agency.

''(G) The Federal Law Enforcement Training Centers.

''(H) The Cybersecurity and Infrastructure Security Agency.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall ensure that any procurement of a covered item for a frontline operational component meets the following criteria:

''(A)(i) To the maximum extent possible, not less than one-third of funds obligated in a specific fiscal year for the procurement of such covered items shall be covered items that are manufactured or supplied in the United States by entities that qualify as small business concerns, as such term is described under section 3 of the Small Business Act (15 U.S.C. 632).

''(ii) Covered items may only be supplied pursuant to subparagraph (A) to the extent that United States entities that qualify as small business concerns—

''(I) are unable to manufacture covered items in the United States; and

''(II) meet the criteria identified in subparagraph (B).

''(B) Each contractor with respect to the procurement of such a covered item, including the end-item manufacturer of such a covered item—

''(i) is an entity registered with the System for Award Management (or successor system) administered by the General Services Administration; and

''(ii) is in compliance with ISO 9001:2015 of the International Organization for Standardization (or successor standard) or a standard determined appropriate by the Secretary to ensure the quality of products and adherence to applicable statutory and regulatory requirements.

''(C) Each supplier of such a covered item with an insignia (such as any patch, badge, or emblem) and each supplier of such an insignia, if such covered item with such insignia or such insignia, as the case may be, is not produced, applied, or assembled in the United States, shall—

''(i) store such covered item with such insignia or such insignia in a locked area;

''(ii) report any pilferage or theft of such covered item with such insignia or such insignia occurring at any stage before delivery of such covered item with such insignia or such insignia; and

''(iii) destroy any such defective or unusable covered item with insignia or insignia in a manner established by the Secretary, and maintain records, for three years after the creation of such records, of such destruction that include the date of such destruction, a description of the covered item with insignia or insignia destroyed, the quantity of the covered item with insignia or insignia destroyed, and the method of destruction.

''(2) WAIVER.—

''(A) IN GENERAL.—In the case of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) or a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may waive a requirement in subparagraph (A), (B) or (C) of paragraph (1) if the Secretary determines there is an insufficient supply of a covered item that meets the requirement.

''(B) NOTICE.—Not later than 60 days after the date on which the Secretary determines a waiver under subparagraph (A) is necessary, the Secretary shall provide to the

Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives notice of such determination, which shall include—

''(i) identification of the national emergency or major disaster declared by the President;

''(ii) identification of the covered item for which the Secretary intends to issue the waiver; and

''(iii) a description of the demand for the covered item and corresponding lack of supply from contractors able to meet the criteria described in subparagraph (B) or (C) of paragraph (1).

''(c) PRICING.—The Secretary shall ensure that covered items are purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall provide to the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response to such instances.

''(e) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of enactment of this section.''.

(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a study of the adequacy of uniform allowances provided to employees of frontline operational components (as defined in section 836 of the Homeland Security Act of 2002, as added by subsection (a)).

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

(A) be informed by a Department-wide survey of employees from across the Department of Homeland Security who receive uniform allowances that seeks to ascertain what, if any, improvements could be made to the current uniform allowances and what, if any, impacts current allowances have had on employee morale and retention;

(B) assess the adequacy of the most recent increase made to the uniform allowance for first year employees; and

(C) consider increasing by 50 percent, at minimum, the annual allowance for all other employees.

(c) ADDITIONAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide a report with recommendations on how the Department of Homeland Security could procure additional items from domestic sources and bolster the domestic supply chain for items related to national security to—

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

(B) the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

(2) CONTENTS.—The report required under paragraph (1) shall include the following:

(A) A review of the compliance of the Department of Homeland Security with the requirements under section 604 of title VI of division A of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b) to buy certain items related to national security interests from sources in the United States.

(B) An assessment of the capacity of the Department of Homeland Security to procure the following items from domestic sources:

(i) Personal protective equipment and other items necessary to respond to a pandemic such as that caused by COVID–19.

(ii) Helmets that provide ballistic protection and other head protection and components.

(iii) Rain gear, cold weather gear, and other environmental and flame resistant clothing.

(d) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:

''Sec. 836. Requirements to buy certain items related to national security interests.''.

SA 6462. Mr. REED (for Mr. SCHUMER (for himself and Mr. CORNYN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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;

(3) in subsection (d), by adding at the end the following new paragraph:

''(3) SECRETARY OF DEFENSE.—The Secretary of Defense may provide a waiver on a date later than the effective dates described in subsection (c) if the Secretary determines the waiver is in the national security interests of the United States.''; and

(4) 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 take effect three years after the date of the enactment of this Act.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT AND BRIEFING.—Not later than 270 days after the effective date described in subsection (b)(2), the Director of the Office of Management and Budget, in coordination with the Director of National Intelligence and the National Cyber Director, shall provide to the Majority Leader and Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority leader of the House of Representatives, and the appropriate congressional committees (as defined in section 889(f) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 41 U.S.C. 3901 note prec.)) a report and briefing on—

(1) the implementation of the amendments made by subsection (a), including any challenges in the implementation; and

(2) the effectiveness and utility of the waiver authority under subsection (d) of such section 889.

SA 6463. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. WEATHERIZATION ASSISTANCE PROGRAM.

(a) WEATHERIZATION READINESS FUND.—Section 414 of the Energy Conservation and Production Act (42 U.S.C. 6864) is amended by adding at the end the following:

''(d) WEATHERIZATION READINESS FUND.—

''(1) IN GENERAL.—The Secretary shall establish a fund, to be known as the 'Weatherization Readiness Fund', from which the Secretary shall distribute funds to States receiving financial assistance under this part, in accordance with subsection (a).

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—A State receiving funds under paragraph (1) shall use the funds for repairs to dwelling units described in subparagraph (B) that will remediate the applicable structural defects or hazards of the dwelling unit so that weatherization measures may be installed.

''(B) DWELLING UNIT.—A dwelling unit referred to in subparagraph (A) is a dwelling unit occupied by a low-income person that, on inspection pursuant to the program under this part, was found to have significant defects or hazards that prevented the installation of weatherization measures under the program.

''(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 422, there is authorized

to be appropriated to the Secretary to carry out this subsection $30,000,000 for each of fiscal years 2023 through 2027.''.

(b) STATE AVERAGE COST PER UNIT.—

(1) IN GENERAL.—Section 415(c) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) in the first sentence, by striking ''$6,500'' and inserting ''$12,000''; and

(II) by striking ''(c)(1) Except as provided in paragraphs (3) and (4)'' and inserting the following:

''(c) FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—Except as provided in paragraphs (3), (4), and (6)'';

(ii) by conforming the margins of subparagraphs (A) through (D) to the margin of subparagraph (E);

(iii) in subparagraph (D), by striking '', and'' and inserting ''; and''; and

(iv) in subparagraph (E), by adding a period at the end;

(B) in paragraph (2), in the first sentence, by striking ''weatherized (including dwelling units partially weatherized)'' and inserting ''fully weatherized'';

(C) in paragraph (4), by striking ''$3,000'' and inserting ''$6,000'';

(D) in paragraph (5)—

(i) in subparagraph (A)(i), by striking ''(6)(A)(ii)'' and inserting ''(7)(A)(ii)''; and

(ii) by striking ''(6)(A)(i)(I)'' each place it appears and inserting ''(7)(A)(i)(I)'';

(E) by redesignating paragraph (6) as paragraph (7); and

(F) by inserting after paragraph (5) the following:

''(6) LIMIT INCREASE.—The Secretary may increase the amount of financial assistance provided per dwelling unit under this part beyond the limit specified in paragraph (1) if the Secretary determines that market conditions require such an increase to achieve the purposes of this part.''.

(2) CONFORMING AMENDMENT.—Section 414D(b)(1)(C) of the Energy Conservation and Production Act (42 U.S.C. 6864d(b)(1)(C)) is amended by striking ''415(c)(6)(A)'' and inserting ''415(c)(7)''.

SA 6464. Mr. REED (for Mr. PETERS (for himself and Mr. PORTMAN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe 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) 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)).

(4) EXISTENTIAL RISK.—The term ''existential risk'' means the potential for an outcome that would result in human extinction.

(5) 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.

(6) 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.

(7) 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).

(8) 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).

(9) 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)).

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

SEC. 5103. ASSESSMENT OF GLOBAL CATASTROPHIC RISK.

(a) IN GENERAL.—The Secretary shall conduct an assessment of global catastrophic risk.

(b) CONSULTATION.—When conducting the assessment under subsection (a), the Secretary shall consult with 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 Administrator of the Federal Emergency Management Agency;

(4) the Secretary of State and the Under Secretary of State for Arms Control and International Security;

(5) the Attorney General and the Director of the Federal Bureau of Investigation;

(6) the Secretary of Energy, the Under Secretary of Energy for Nuclear Security, and the Director of Science;

(7) the Secretary of Health and Human Services, the Assistant Secretary for Preparedness and Response, and the Assistant Secretary of Global Affairs;

(8) the Secretary of Commerce, the Under Secretary of Commerce for Oceans and Atmosphere, and the Under Secretary of Commerce for Standards and Technology;

(9) the Secretary of the Interior and the Director of the United States Geological Survey;

(10) the Administrator of the Environmental Protection Agency and the Assistant Administrator for Water;

(11) the Administrator of the National Aeronautics and Space Administration;

(12) the Director of the National Science Foundation;

(13) the Secretary of the Treasury;

(14) the Chair of the Board of Governors of the Federal Reserve System;

(15) 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;

(16) the Chairman of the Joint Chiefs of Staff;

(17) the Administrator of the United States Agency for International Development;

(18) the Secretary of Transportation; and

(19) other stakeholders the Secretary determines appropriate.

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 Secretary shall 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 Secretary 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 Secretary.

(c) CONSULTATION REQUIREMENT.—In producing the report required under subsection (a), the Secretary shall regularly consult with experts on global catastrophic and existential risks, including from non-governmental, academic, and private sector institutions.

SEC. 5105. ENHANCED CATASTROPHIC INCIDENT ANNEX.

(a) IN GENERAL.—The Secretary 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, local, and Indian Tribal 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 Federal Government should take to ensure the basic needs of the civilian population of the United States in a catastrophic incident are met;

(2) how the Federal Government should coordinate with non-Federal entities to multiply resources and enhance relief capabilities, including—

(A) State and local governments;

(B) Indian 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 Federal Government should 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 Federal Government should undertake and agreements the Federal Government should 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 Federal Government should implicate in responding to a catastrophic incident.

(c) ASSUMPTIONS.—In designing the strategy under subsection (a), the Secretary 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, Indian 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, local, and Indian Tribal 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.

SEC. 5106. VALIDATION OF THE STRATEGY THROUGH AN EXERCISE.

Not later than 1 year after the addition of the annex required under section 5105, the Department of Homeland Security shall lead an exercise as part of the national exercise program to test and enhance the operationalization of the strategy required under section 5105.

SEC. 5107. RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary shall provide recommendations to Congress for—

(1) actions that should be taken to prepare the United States to implement the strategy required under section 5105, 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 to more effectively implement the strategy required under section 5105.

(b) INCLUSION IN REPORTS.—The Secretary may include the recommendations required under subsection (a) in a report submitted under section 5108.

SEC. 5108. REPORTING REQUIREMENTS.

Not later than 1 year after the date on which Department of Homeland Security leads the exercise under section 5106, the Secretary shall submit to Congress a report that includes—

(1) a description of the efforts of the Secretary to develop and update the strategy required under section 5105; and

(2) an after-action report following the conduct of the exercise described in section 5106.

SEC. 5109. 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 Economic Security Council

SEC. 5111. DHS ECONOMIC SECURITY COUNCIL.

(a) ESTABLISHMENT OF THE DHS ECONOMIC SECURITY COUNCIL.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term ''Council'' means the DHS 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 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 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 l 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, the Committee on Homeland Security of the House of Representatives, the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives on the actions and activities of the Council.

(b) ASSISTANT SECRETARY FOR 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 ECONOMIC SECURITY.—

''(1) IN GENERAL.—There is established within the Office of Strategy, Policy, and Plans an Assistant Secretary for Economic Security.

''(2) DUTIES.—At the direction of the Under Secretary for Strategy, Policy, and Plans, the Assistant Secretary for 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 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, with the concurrence of the Secretary of State, shall operate Transnational Criminal Investigative Units within 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.—Before 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 Secretary determines to be appropriate.

''(2) LEAHY VETTING REQUIRED.—No member of a foreign law enforcement unit may join a Transnational Criminal Investigative Unit if the Secretary, in coordination with the Secretary of State, has credible information that such foreign law enforcement unit has committed a gross violation of human rights, consistent with the limitations set forth in section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d).

''(3) APPROVAL AND CONCURRENCE.—The establishment and continued support of the Transnational Criminal Investigative Units who are assigned under paragraph (1)—

''(A) shall be performed with the approval of the chief of mission to the foreign country to which the personnel are assigned;

''(B) shall be consistent with the duties and powers of the Secretary of State and the chief of mission for a foreign country under section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) and section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), respectively; and

''(C) shall not be established without the concurrence of the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs.

''(4) REPORT.—The Executive Associate Director of Homeland Security Investigations shall submit a report to the Committee on

Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that describes—

''(A) the procedures used for vetting Transnational Criminal Investigative Unit members to include compliance with the vetting required under paragraph (3); 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 Executive Associate Director of Homeland Security Investigations 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 Executive Associate Director of Homeland Security Investigations, 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)(3), 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;

''(3) relevant enforcement statistics, such as arrests and progress made on joint investigations, in each such country; and

''(4) whether any vetted members of the Transnational Criminal Investigative Unit in each country were involved in any unlawful activity, including human rights abuses or significant acts of corruption.''.

(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, local, and Indian Tribal 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 Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, 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.

(f) COORDINATION.—The Secretary of Homeland Security shall coordinate with the Secretary of Energy relating to technological hazard preparedness and training for a hazard that could result from activities or facilities authorized or licensed by the Department of Energy.

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 (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;

(vi) by striking paragraph (13); and

(vii) 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 de-identified aggregate statistical information regarding the results of medical quality assurance programs, under de-identification standards developed by the Secretary in consultation with the Secretary of Health and Human Services, as appropriate, that is released in a manner in accordance with all other applicable legal requirements; 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 under this section for that participation or for providing that information if the participation or provision of information was—

''(1) provided in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place; and

''(2) made in accordance with any other applicable legal requirement, including Federal privacy laws and regulations.

''(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.

''(l) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede the requirements of—

''(1) the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1936) and its implementing regulations;

''(2) the Health Information Technology for Economic and Clinical Health Act(42 U.S.C. 17931 et seq.) and its implementing regulations; or

''(3) sections 921 through 926 of the Public Health Service Act (42 U.S.C. 299b–21 through 299b–26) and their implementing regulations.''.

SEC. 5147. 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.'';

(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''; and

(6) by striking the subtitle heading for subtitle C of title XIX.

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 5191 of this division.

(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 5191 of this division.

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—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS

SEC. 5191. 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 of the 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 2—POST-DISASTER MENTAL HEALTH RESPONSE ACT

SEC. 5192. 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—Intragovernmental Cybersecurity Information Sharing Act

SEC. 5201. REQUIREMENT FOR INFORMATION SHARING AGREEMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Intragovernmental Cybersecurity and Counterintelligence Information Sharing Act''.

(b) CONGRESSIONAL LEADERSHIP DEFINED.—In this section, the term ''congressional leadership'' means—

(1) the Majority and Minority Leader of the Senate with respect to an agreement

with the Sergeant at Arms and Doorkeeper of the Senate or the Secretary of the Senate; and

(2) the Speaker and Minority Leader of the House of Representatives with respect to an agreement with the Chief Administrative Officer of the House of Representatives or the Sergeant at Arms 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 shall enter into 1 or more information sharing agreements to enhance collaboration between the executive branch and Congress on implementing cybersecurity measures and counterintelligence protections to improve the protection of legislative branch information technology and personnel with—

(A) the Sergeant at Arms and Doorkeeper of the Senate with respect to cybersecurity information sharing, in consultation with congressional leadership;

(B) the Secretary of the Senate with respect to counterintelligence information sharing, in consultation with congressional leadership;

(C) the Chief Administrative Officer of the House of Representatives with respect to cybersecurity information sharing, in consultation with congressional leadership; and

(D) the Sergeant at Arms of the House of Representatives with respect to counterintelligence information sharing, in consultation with congressional leadership.

(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 an 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 and targeting of Senators, Members of the House of Representatives, or congressional staff, consistent with the protection of sources and methods;

(3) seating of cybersecurity personnel of the Office of the Sergeant at Arms and Doorkeeper of the Senate or the Office of the Chief Administrative Officer of the House of Representatives at cybersecurity operations centers; and

(4) any other elements the parties find appropriate.

(e) BRIEFING TO CONGRESS.—Not later than 210 days after the date of enactment of this Act, and at least quarterly 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 Oversight and Reform and the Committee on House Administration of the House of Representatives, and congressional leadership on the status of the implementation of the agreements required under subsection (c).

Subtitle B—Improving Government for America's Taxpayers

SEC. 5211. 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 C—Advancing American AI Act

SEC. 5221. SHORT TITLE.

This subtitle may be cited as the ''Advancing American AI Act''.

SEC. 5222. 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. 5223. 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.

(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. 5224. 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 Secretary of Energy, 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. 5225. 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.

(d) DEPARTMENT OF DEFENSE.—Nothing in this section shall apply to the Department of Defense.

SEC. 5226. 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. 5227. 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.

SEC. 5228. INTELLIGENCE COMMUNITY EXCEPTION.

Nothing in this subtitle shall apply to any element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

Subtitle D—Strategic EV Management

SEC. 5231. SHORT TITLE.

This subtitle may be cited as the ''Strategic EV Management Act of 2022''.

SEC. 5232. 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;

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

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

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

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

SEC. 5233. 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;

(C) guidelines for disposing electric vehicle batteries that cannot be reused or recycled; and

(D) 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. 5234. 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.

Subtitle E—Congressionally Mandated Reports

SEC. 5241. SHORT TITLE.

This subtitle may be cited as the ''Access to Congressionally Mandated Reports Act''.

SEC. 5242. 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 5243(a).

SEC. 5243. 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 5244 and 5246.

(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. 5244. 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 5243(b)(1) with respect to the congressionally mandated report. Notwithstanding section 5246, 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. 5245. 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 5246.

SEC. 5246. 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, the public release of which could have a harmful effect on national security, or that is otherwise prohibited.

(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. 5247. 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. 5248. 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 6465. Mr. REED (for Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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) DEFINED TERM.—The term ''foreign country of concern'' means the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, and any other country that the Secretary of State determines to be a country of concern.

(c) 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.

(d) 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.

(e) ARTIFICIAL INTELLIGENCE PRINCIPLES.—In carrying out the purpose described in subsection (d), 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).

(f) 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 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.

(g) 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 the government of a foreign country of concern;

(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 a foreign country of concern has an ownership interest; or

(3) any entity on the Entity List that is 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.

(h) COUNTERINTELLIGENCE SCREENING.—Not later than 180 days after the date of the enactment of this Act, and not later than each December 31 thereafter, Director of National Intelligence, in collaboration with the Director of the National Counterintelligence and Security Center and the Director of the Federal Bureau of Investigation, shall—

(1) assess—

(A) whether the Center or its participant institutions pose a counterintelligence threat to the United States;

(B) what specific measures the Center has implemented to ensure that intellectual property developed with the assistance of the Center has sufficient protections in place to preclude misuse of United States intellectual property, research and development, and innovation efforts; and

(C) other threats from a foreign country of concern and other entities; and

(2) submit a report to Congress containing the results of the assessment described in paragraph (1).

(i) 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 6466. Mr. REED (for Ms. CANTWELL (for herself and Mr. WICKER)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe 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:

SEC. 5101. SHORT TITLE.

This title may be cited as the ''Restoring Resilient Reefs Act of 2022''.

Subtitle A—Reauthorization of Coral Reef Conservation Act of 2000

SEC. 5111. REAUTHORIZATION OF CORAL REEF CONSERVATION ACT OF 2000.

(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, the Secretary of the Interior, or the Secretary of Commerce 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) consult with the Secretary of Defense, as appropriate;

''(3) 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

''(4) 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.

''(C) AGENCY JURISDICTION.—Nothing in this Act shall be construed to expand the management authority of a Federal agency specified in subparagraph (B) or a coral reef stewardship partnership under section 206(c) to coral reefs or coral reef ecosystems outside the boundaries of the jurisdiction of the agency or partnership.

''(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, 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 voting members of the Task Force shall be—

(1) the Under Secretary of Commerce for Oceans and Atmosphere and the Secretary of Interior, who shall be co-chairpersons of the Task Force;

(2) such representatives from other Federal agencies as the President, in consultation with the Under Secretary, determines appropriate; and

(3) 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 described in 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 described in 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 of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) CONSERVATION, CORAL, CORAL REEF, ETC.—The terms ''conservation'', ''coral'', ''coral reef'', ''coral reef ecosystem'', ''covered 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, national security, 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. 5207. 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 military uses, 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;

(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

(vi) military uses; 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. 5208. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are to be authorized to carry out this title.

SEC. 5209. 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) for projects under the purview of the Committee, establish or designate one or more systems for ocean-related and ocean-mapping 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) may 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) records of decision; and

''(D) other relevant documents as determined by the lead agency on a project.

''(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 senior-level representatives from the appropriate Federal agencies.

(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 and with appropriate safeguards on the public accessibility of data to protect national security equities, 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 with appropriate safeguards on the public accessibility of data to protect national security equities;

(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.''.

(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;

''(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, to be known as the 'Brennan Ocean Mapping Fund' in memory of Rear Admiral Richard T. Brennan, 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. AGREEMENTS AND FINANCIAL ASSISTANCE.

''(a) AGREEMENTS.—The head of a Federal agency that is represented on the Interagency Committee on Ocean and Coastal Mapping may enter into agreements with any other agency that is so represented to provide, on a reimbursable or nonreimbursable basis, facilities, equipment, services, personnel, and other support services to carry our the purposes of this subtitle.

''(b) FINANCIAL ASSISTANCE.—The Administrator may make financial assistance awards (grants of cooperative agreements) 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 Environment and Public Works of the Senate;

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

''(4) 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 and the Armed Forces, as appropriate, 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 military activities, 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;

''(C) to develop standards and practices for the adoption and citation of digital object identifiers for datasets, models, and analytical tools; and

''(D) to ensure that, to the maximum extent possible, data access and distribution is compatible with national security equities.''.

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 uncrewed 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 uncrewed 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 uncrewed 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 uncrewed 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 UNCREWED AIRCRAFT SYSTEM.—The term ''covered uncrewed 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 Agriculture, the Department of the Interior, or the Department of Commerce.

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

(A) as a wildland firefighter or a fire management response official, including a regional fire director, a deputy regional fire director, and a fire management officer;

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

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

(4) PREMIUM PAY.—The term ''premium pay'' means premium pay paid under a provision of law described in the matter preceding paragraph (1) of section 5547(a) of title 5, United States Code.

(5) RELEVANT COMMITTEES.—The term ''relevant committees'' means—

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

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(D) the Committee on Appropriations of the Senate;

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

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

(G) the Committee on Natural Resources of the House of Representatives;

(H) the Committee on Science, Space, and Technology of the House of Representatives;

(I) the Committee on Agriculture of the House of Representative; and

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

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

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

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

(C) the Secretary of Commerce, with respect to an employee of the Department of Commerce.

(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) CALCULATION OF AGGREGATE PAY.—Any pay that is disregarded under paragraph (1) shall be disregarded in calculating the aggregate pay of the applicable covered employee for purposes of applying the limitation under section 5307 of title 5, United States Code, during calendar year 2023.

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

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

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

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

(5) EFFECTIVE PERIOD.—This subsection shall be in effect during calendar year 2023 and apply to premium pay payable during that year.

(c) AMENDMENT.—Section 5542(a)(5) of title 5, United States Code, is amended by inserting '', the Department of Commerce,'' after ''Interior''.

(d) PLAN TO ADDRESS NEEDS.—

(1) DEVELOPMENT AND IMPLEMENTATION.—Not later than March 30, 2023, the Secretaries referred to in subsection (a)(6), in consultation with the Director of the Office of Management and Budget and the Director of the Office of Personnel Management, shall jointly develop and implement a plan that addresses the needs of the Department of Agriculture, the Department of the Interior, and the Department of Commerce, as applicable, to hire, appoint, promote, or train additional covered employees who carry out covered services such that sufficient covered employees are available throughout each fiscal year, beginning in fiscal year 2024, without the need for waivers of premium pay limitations.

(2) SUBMITTAL.—Not later than 30 days before the date on which the Secretaries implement the plan developed under paragraph (1), the Secretaries shall submit the plan to the relevant committees.

(3) LIMITATION.—The plan developed under paragraph (1) shall not be contingent on any Secretary receiving amounts appropriated for fiscal years beginning in fiscal year 2024 in amounts greater than amounts appropriated for fiscal year 2023.

(e) POLICIES AND PROCEDURES FOR HEALTH, SAFETY, AND WELL-BEING.—The Secretary concerned 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 wildfire-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, in coordination with the Secretary of State, may develop collaborative relationships 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) COORDINATION.—In carrying out activities under this section, the Under Secretary shall coordinate with other Federal agencies 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 Federal agencies engaged in or providing wildland fire prediction, detection, forecasting, modeling, resilience, response, management, and assessments; 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 committees specified in paragraph (3) 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.

(3) COMMITTEES SPECIFIED.—The committees specified in this paragraph are—

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

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

(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(D) the Committee on Agriculture of the House of Representatives;

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

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

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 6467. Mr. REED (for Mr. CORNYN (for himself and Mr. KING)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF GOLD TO OR FROM RUSSIA.

(a) IDENTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and periodically as necessary thereafter, the President—

(1) shall submit to Congress a report identifying foreign persons that knowingly participated in a significant transaction—

(A) for the sale, supply, or transfer (including transportation) of gold, directly or indirectly, to or from the Russian Federation or the Government of the Russian Federation, including from reserves of the Central Bank of the Russian Federation held outside the Russian Federation; or

(B) that otherwise involved gold in which the Government of the Russian Federation had any interest; and

(2) shall impose the sanctions described in subsection (b)(1) with respect to each such person; and

(3) may impose the sanctions described in subsection (b)(2) with respect to any such person that is an alien.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—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 all property and interests in property of a foreign person identified in the report required by subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

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

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

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

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

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a)(1) is 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) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of 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 INTEREST 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 interests of the United States; and

(2) submits to Congress a notification of the waiver and the reasons for the waiver.

(e) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the requirement to impose sanctions under this section, and any sanctions imposed under this section, shall terminate on the earlier of—

(A) the date that is 3 years after the date of the enactment of this Act; or

(B) the date that is 30 days after the date on which the President certifies to Congress that—

(i) the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine; and

(ii) such termination in the national interests of the United States.

(2) TRANSITION RULES.—

(A) CONTINUATION OF CERTAIN AUTHORITIES.—Any authorities exercised before the termination date under paragraph (1) to impose sanctions with respect to a foreign person under this section may continue to be exercised on and after that date if the President determines that the continuation of those authorities is in the national interests of the United States.

(B) APPLICATION TO ONGOING INVESTIGATIONS.—The termination date under paragraph (1) shall not apply to any investigation of a civil or criminal violation of this section or any regulation, license, or order issued to carry out this section, or the imposition of a civil or criminal penalty for such a violation, if—

(i) the violation occurred before the termination date; or

(ii) the person involved in the violation continues to be subject to sanctions pursuant to subparagraph (A).

(f) EXCEPTIONS.—

(1) EXCEPTIONS FOR AUTHORIZED INTELLIGENCE AND LAW ENFORCEMENT AND NATIONAL SECURITY 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, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Sanctions under subsection (b)(2) may not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the obligations of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other international obligations.

(3) HUMANITARIAN EXEMPTION.—The President shall not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The requirement or authority 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) DEFINITIONS.—In this section:

(1) The terms ''admission'', ''admitted'', ''alien'', and ''lawfully admitted for permanent residence'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) The term ''foreign person'' means an individual or entity that is not a United States person.

(3) The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SA 6468. Mr. REED (for Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. PILOT PROGRAM ON ENSURING PHARMACEUTICAL SUPPLY STABILITY.

(a) IN GENERAL.—Not later than January 1, 2024, the Secretary of Defense, acting through the Director of the Defense Logistics Agency, shall establish a pilot program to acquire, manage, and replenish a 180-day supply of not fewer than 30 commonly used generic drugs and their active pharmaceutical ingredients determined by the Secretary to be at risk of shortage under the military health system as a result of a pharmaceutical supply chain disruption to ensure the stability of such supply, with a preference given to manufacturers in the United States and manufacturers leveraging innovative technological approaches, including biotechnology.

(b) MILITARY MEDICAL TREATMENT FACILITIES.—The Secretary of Defense shall select for participation in the pilot program under subsection (a) not fewer than five military medical treatment facilities that are—

(1) located in the continental United States; and

(2) at the greatest risk of pharmaceutical supply chain disruption, as determined by the Secretary.

(c) ELEMENTS.—In carrying out the pilot program under subsection (a), the Secretary of Defense shall—

(1) use the systems and processes of the direct vendor delivery system established under section 352 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2458 note);

(2) establish a vendor managed inventory approach to pharmaceutical distribution to acquire, manage, and replenish the vendor-held supply, with preference given to supplies of pharmaceuticals manufactured and sourced in the United States, leveraging innovative technological approaches described in subsection (a) to prevent product expiration and shortages; and

(3) ensure guaranteed access by the Department of Defense to the vendor managed inventory approach specified in paragraph (2).

(d) TERMINATION.—The pilot program under subsection (a) shall terminate on the date that is three years after the date of the enactment of this Act.

(e) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the establishment of the pilot program under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the design of the pilot program.

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

(A) an identification of the military medical treatment facilities selected under subsection (b) and the generic drugs, as well as their active ingredients, selected for the pilot program pursuant to subsection (a);

(B) a plan for the implementation and management of the pilot program; and

(C) key performance indicators to measure the success of the pilot program in ensuring the availability of generic drugs and active pharmaceutical ingredients selected for the pilot program.

(f) FINAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the termination date under subsection (d), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the results of the pilot program.

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

(A) measurements of key performance indicators identified in the report required under subsection (e);

(B) an analysis of the success of the pilot program under subsection (a) in preventing shortages of commonly used generic drugs within the military medical treatment facilities selected under subsection (b), including the speed and agility of drug production; and

(C) recommendations for expansion of the pilot program, including any legislative or

administrative proposals the Secretary determines would reduce supply chain risk to commonly used generic drugs and their active pharmaceutical ingredients under the military health system.

(g) DEFINITIONS.—In this section:

(1) ACTIVE PHARMACEUTICAL INGREDIENT.—The term ''active pharmaceutical ingredient'' has the meaning given such term in section 744A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–41).

(2) GENERIC DRUG.—The term ''generic drug'' means a drug (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is approved pursuant to section 505(j) of such Act (21 U.S.C. 355(j)).

(3) PHARMACEUTICAL SUPPLY CHAIN DISRUPTION.—The term ''pharmaceutical supply chain disruption'' means a disruption described in the report of the Inspector General of the Department of Defense titled ''Evaluation of the Department of Defense's Mitigation of Foreign Suppliers in the Pharmaceutical Supply Chain'' (DODIG–2021–126) and published on September 20, 2021.

SA 6469. Mr. REED (for Mr. CORNYN (for himself and Mr. KING)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF GOLD TO OR FROM RUSSIA.

(a) IDENTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and periodically as necessary thereafter, the President—

(1) shall submit to Congress a report identifying foreign persons that knowingly participated in a significant transaction—

(A) for the sale, supply, or transfer (including transportation) of gold, directly or indirectly, to or from the Russian Federation or the Government of the Russian Federation, including from reserves of the Central Bank of the Russian Federation held outside the Russian Federation; or

(B) that otherwise involved gold in which the Government of the Russian Federation had any interest; and

(2) shall impose the sanctions described in subsection (b)(1) with respect to each such person; and

(3) may impose the sanctions described in subsection (b)(2) with respect to any such person that is an alien.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—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 all property and interests in property of a foreign person identified in the report required by subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

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

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

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

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

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a)(1) is 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) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of 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 INTEREST 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 interests of the United States; and

(2) submits to Congress a notification of the waiver and the reasons for the waiver.

(e) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the requirement to impose sanctions under this section, and any sanctions imposed under this section, shall terminate on the earlier of—

(A) the date that is 3 years after the date of the enactment of this Act; or

(B) the date that is 30 days after the date on which the President certifies to Congress that—

(i) the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine; and

(ii) such termination in the national interests of the United States.

(2) TRANSITION RULES.—

(A) CONTINUATION OF CERTAIN AUTHORITIES.—Any authorities exercised before the termination date under paragraph (1) to impose sanctions with respect to a foreign person under this section may continue to be exercised on and after that date if the President determines that the continuation of those authorities is in the national interests of the United States.

(B) APPLICATION TO ONGOING INVESTIGATIONS.—The termination date under paragraph (1) shall not apply to any investigation of a civil or criminal violation of this section or any regulation, license, or order issued to carry out this section, or the imposition of a civil or criminal penalty for such a violation, if—

(i) the violation occurred before the termination date; or

(ii) the person involved in the violation continues to be subject to sanctions pursuant to subparagraph (A).

(f) EXCEPTIONS.—

(1) EXCEPTIONS FOR AUTHORIZED INTELLIGENCE AND LAW ENFORCEMENT AND NATIONAL SECURITY 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, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Sanctions under subsection (b)(2) may not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the obligations of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other international obligations.

(3) HUMANITARIAN EXEMPTION.—The President shall not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The requirement or authority 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) DEFINITIONS.—In this section:

(1) The terms ''admission'', ''admitted'', ''alien'', and ''lawfully admitted for permanent residence'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) The term ''foreign person'' means an individual or entity that is not a United States person.

(3) The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SA 6470. Mr. REED (for Mr. CORNYN (for himself and Mr. WHITEHOUSE)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF EXEMPTIONS UNDER FARA.

(a) DEFINITION.—Section 1 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611) is amended by adding at the end the following:

''(q) The term 'country of concern' means—

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

''(2) the Russian Federation;

''(3) the Islamic Republic of Iran;

''(4) the Democratic People's Republic of Korea;

''(5) the Republic of Cuba; and

''(6) the Syrian Arab Republic.''.

(b) EXEMPTIONS.—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceding subsection (a), by inserting '', except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is a country of concern'' before the colon.

(c) SUNSET.—The amendments made by subsections (a) and (b) shall terminate on October 1, 2025.

SA 6471. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. STANDARDIZATION OF SECTIONAL BARGE CONSTRUCTION FOR DEPARTMENT OF DEFENSE USE ON RIVERS AND INTERCOASTAL WATERWAYS.

The Secretary of Defense shall ensure that any sectional barge used by the Department of Defense—

(1) is built to a design that has been reviewed and approved, to the extent possible, by the American Bureau of Shipping, for the intended barge service, and using the rule set of the American Bureau of Shipping for building and classing steel vessels for service on rivers and intercoastal waterways; and

(2) has a deck design that provides for a minimum concentrated load capacity of 10,000 pounds per square foot.

SA 6472. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military 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. ___. COMMERCIAL AIR WAIVER FOR NEXT OF KIN REGARDING TRANSPORTATION OF REMAINS OF CASUALTIES.

Section 580A of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following new subsection:

''(c) TRANSPORTATION OF DECEASED MILITARY MEMBER.—In the event of a death that requires the Secretary concerned to provide a death benefit under subchapter II of chapter 75 of title 10, United States Code, such Secretary shall provide the next of kin or other appropriate person a commercial air travel use waiver for the transportation of deceased remains of military member who dies outside of the United States.''.

SA 6473. Mr. REED (for Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. NOTIFICATION TO NEXT OF KIN UPON THE DEATH OF A MEMBER OF THE ARMED FORCES.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1493. Notification to next of kin or other appropriate person: timing; training

''(a) IN GENERAL.—In the event of a death that requires the Secretary of the military department concerned to provide a death benefit under this subchapter, such Secretary shall notify the next of kin or other appropriate person not later than four hours after such death.

''(b) DEATH OUTSIDE THE UNITED STATES.—If a death described in subsection (a) occurs outside the United States, the Secretary of Defense, in coordination with the Secretary of State, shall attempt to delay reporting, by the media of the country in which such death occurs, of the name of the decedent until after the Secretary of the military department concerned has notified the next of kin or other appropriate person pursuant to subsection (a).

''(c) TRAINING.—The Secretary of the military department concerned shall include a training exercise regarding a death described in this section in each major exercise or planning conference conducted by such Secretary or the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 75 of title 10, United States Code, is amended by adding at the end the following new item:

''1493. Notification to next of kin or other appropriate person: timing; training.''.

SA 6474. Mr. REED (for Mr. GRASSLEY (for himself, Ms. KLOBUCHAR, Mr. LEE, Mr. LEAHY, and Mr. DURBIN)) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military 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 _____—NO OIL PRODUCING AND EXPORTING CARTELS

SEC. _____01. SHORT TITLE.

This title may be cited as the ''No Oil Producing and Exporting Cartels Act of 2022'' or ''NOPEC''.

SEC. _____02. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product,

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) INAPPLICABILITY OF DEFENSES.—No court of the United States shall decline, based on the act of state, foreign sovereign compulsion, or political question doctrine to make a determination on the merits in an action brought under this section.

''(c) ENFORCEMENT.—The Attorney General of the United States shall have the sole authority to bring an action to enforce this section. Any such action shall be brought in any district court of the United States as provided under the antitrust laws.''.

SEC. _____03. NO SOVEREIGN IMMUNITY IN OIL CARTEL CASES.

Title 28, United States Code, is amended—

(1) in section 1605(a)—

(A) in paragraph (5), by striking ''or'' after the semicolon;

(B) in paragraph (6), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(7) in which the action is brought under section 7A of the Sherman Act.''; and

(2) in section 1610(a)—

(A) in paragraph (7) by striking the period at the end and inserting '', or''; and

(B) by adding at the end the following:

''(8) the judgment relates to a claim that is brought under section 7A of the Sherman Act.''.

SEC. _____04. SEVERABILITY.

If any provision of this title (or of an amendment made by this title) is held invalid the remainder of this title (or of the amendment) shall not be affected thereby.

SA 6475. Mr. REED (for Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such

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

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

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

(a) STUDY; EDUCATION AND OUTREACH EFFORTS.—

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

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

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

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

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

(b) REPORT ON COORDINATION AMONG DEPARTMENTS.—

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

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

(A) An accounting of the funding each department referred to in paragraph (1) has obligated toward research relating to food insecurity among members of the Armed Forces or veterans.

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

(C) An outline of—

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

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

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

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

SA 6476. Mr. REED (for Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 5499 proposed by Mr. REED (for himself and Mr. INHOFE) to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military 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-SERVING 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:

"SEC. 4127. SUBCONTRACTING REQUIREMENTS FOR MINORITY-SERVING 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-serving 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-serving institutions for a total amount of not less than 5 percent of the amount awarded in the contract.

''(b) DEFINITION OF MINORITY-SERVING INSTITUTION.—In this section, the term 'minority-serving institution' means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).''.

(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-serving 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.

RESOLUTIONS SUBMITTED TODAY

Mr. REED. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following resolutions that were submitted earlier today en bloc: S. Res. 822, S. Res. 823, and S. Res. 824.

PRESIDING OFFICER. The clerk will report the resolutions by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 822) to authorize testimony and representation in United States v. Rhodes.

A resolution (S. Res. 823) to authorize testimony and representation in United States v. Groseclose.

A resolution (S. Res. 824) to authorize testimony and representation in United States v. Steele-Smith.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. Mr. President, in three criminal cases pending in Federal district court in the District of Columbia and arising out of the events of January 6, 2021, the prosecution has requested testimony from Senate witnesses.

In the ongoing trial of Stewart Rhodes, the alleged founder and leader of the Oath Keepers, and four codefendants, the prosecution has requested testimony from Virginia Brown, formerly a Senate Chamber assistant, operating under the authority of the then-Secretary for the Minority of the Senate and the Sergeant at Arms and Doorkeeper of the Senate. In that role, Ms. Brown was a witness to the charged events. Then-Secretary for the Minority Myrick and Senate Sergeant at Arms Gibson would like to cooperate with this request by providing relevant testimony in this trial from Ms. Brown.

In two other cases arising out of the events of January of 6, 2021, against Jeremy Groseclose and Melody Steele-Smith, in which trials are scheduled to begin on November 14, 2022, the prosecution has requested testimony from Daniel Schwager, formerly counsel to the Secretary of the Senate, concerning his knowledge and observations of the process and constitutional and legal basis for Congress' counting of the electoral college votes. The prosecution has also sought testimony, if necessary, from Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, which operates under the authority of the Senate Sergeant at Arms and Doorkeeper, to authenticate Senate Recording Studio video of that day. Senate Secretary Berry and Senate Sergeant at Arms Gibson would like to cooperate with these requests by providing relevant testimony in these trials from Messrs. Schwager, Russell, and Torres, respectively.

In keeping with the rules and practices of the Senate, these resolutions would authorize the production of relevant testimony from Ms. Brown in the *Rhodes* case, and from Messrs. Schwager, Russell, and Torres in the *Groseclose* and *Steele-Smith* cases, with representation by the Senate legal counsel.

Mr. REED. Mr. President, I further ask that the resolutions be agreed to, the preambles be agreed to, and that the motions to reconsider be considered made and laid upon the table, en bloc, with no intervening action or debate.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')